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The Report of the Daniel Morgan Independent Panel

June 2021

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HC 11-I

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Return to an Address of the Honourable
the House of Commons
dated 15th June 2021
for

The Report of the Daniel Morgan Independent Panel

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Ordered by the House of Commons to be printed on 15th June 2021

HC 11-I

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Daniel Morgan Independent Panel

Daniel Morgan Independent Panel
Home Office
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Rt Hon Priti Patel MP
Home Secretary
Home Office
2 Marsham Street
London SW1P 4DF

May 2021

Dear Home Secretary

On behalf of the Daniel Morgan Independent Panel, I am pleased to present you with our Report for publication in Parliament.

The establishment of the Daniel Morgan Independent Panel was announced by the Home Secretary, the Rt Hon Theresa May MP, on 10 May 2013 in a written statement to the House of Commons. The remit given to the Panel was to shine a light on the circumstances of the murder of Daniel Morgan, its background and the handling of the case over the period since 1987 and in so doing to address questions arising, in particular those relating to police involvement in Daniel Morgan's murder; the role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption; and the incidence of connections between private investigators, police officers and journalists at the *News of the World* and other parts of the media, and alleged corruption involved in the linkages between them.

The Panel has always acknowledged and respected the fact that, at the heart of its work, there is a bereaved family. The murder of Daniel Morgan on 10 March 1987 left a widow, Iris, and two young children, Sarah and Dan, without a father; it left bereft his mother, Isobel Hülsmann and his siblings, Alastair and Jane Morgan. Isobel Hülsmann sadly died in 2017 before the Panel's Report could be published, which was a further cause of immense distress to her family. Nobody has been convicted in connection with the murder. The Report provides an account of the impact on the family of all that has happened since 10 March 1987. The Panel hopes this Report will help the family

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members by providing a detailed and thorough examination of the investigations and key issues in the handling of the case since the murder occurred.

The Daniel Morgan Independent Panel commenced work formally on 17 September 2013. The Terms of Reference stated that '*It is envisaged that the Panel will aim to complete its work within 12 months of the documentation being made available.*' This created an expectation that the Panel's work would be done within a year. There was, however, no anticipation of the very significant difficulties and delays which would be encountered in accessing and bringing order to the documentation, in all its forms, nor of the large volume of material (in excess of a million pages) which would have to be considered. Indeed, the final documents were not received from the Metropolitan Police until March 2021. The Panel has always been acutely aware of the distress caused to the family of Daniel Morgan by the length of time which has been necessary for the Panel to complete its Report. No statutory powers were conferred on the Panel and this resulted in ongoing problems. It is to be hoped that lessons will be learned from our experience, for the benefit of future inquiries and panels.

The Panel has made a number of recommendations, as a consequence of what it has identified in the course of its work. They relate to important areas, where there continue to be serious shortcomings in current policy and practice in policing and the Criminal Justice System. They include ensuring that the necessary resources are allocated to the task of tackling corrupt behaviour among police officers, and the creation of a statutory duty of candour to be owed by all law enforcement agencies to those whom they serve, subject to the protection of national security and relevant data protection legislation. It is essential the recommendations are followed up and that action led by the Home Office is taken.

The vast majority of police officers act honourably and do not break their rules or engage in corrupt activity, and they do very difficult and, at times, dangerous work. However, the Metropolitan Police owe the members of Daniel Morgan's family, and the public, an apology for not confronting its systemic failings, for the failings of individual officers and for its lack of candour to the members of the family. In failing to acknowledge its many failings over the 34 years since the murder of Daniel Morgan, the Metropolitan Police placed the reputation of the organisation above the need for accountability and transparency. In so doing it compounded the suffering and trauma of the family.

The Panel expects that its findings and recommendations will be treated with the utmost seriousness. Real change is necessary to enable effective efficient policing in which the public and police officers can have trust and confidence.

Yours sincerely

Nuala O'Loan

Baroness O'Loan DBE MRIA
Chair, The Daniel Morgan Independent Panel

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Introduction

1. The murder of Daniel Morgan on 10 March 1987 left his wife, Iris, without her husband, and their two young children, Sarah and Dan, without their father. It left bereft his mother, Isobel Hülsmann and his siblings, Alastair and Jane Morgan. Daniel Morgan's mother, Isobel Hülsmann, very sadly died in 2017 during the preparation of this report.

2. For more than three decades the failure to prosecute those responsible for Daniel Morgan's murder has caused great distress and concern to his family, generated a great deal of public disquiet, and affected the reputations of organisations and individuals.

3. The family of Daniel Morgan have told the Panel what a devastating impact these events have had and continue to have upon them. That impact has been compounded by the thought that police officers – the very people supposed to protect them – were involved in covering up the murder or in the murder itself. The love which his family had for Daniel Morgan and their desire for accountability has made them unwavering in seeking to bring his murderer(s) to justice. While they have not seen convictions, members of the family have kept the issue of the murder and the serious failures of the Metropolitan Police and others involved in his case in the public eye.

4. There was ongoing public concern about the allegations of police involvement in the murder and corrupt police activity during the investigations. In March 2011 after the acquittal of those accused in connection with the murder, the Metropolitan Police publicly acknowledged '*the repeated failure of the Metropolitan Police to confront the role played by police corruption in protecting those responsible for the murder from being brought to justice*'. In 2013 the Home Secretary, Theresa May MP, established the Daniel Morgan Independent Panel. The Terms of Reference for the Panel state that "*The purpose and remit of the Independent Panel is to shine a light on the circumstances of Daniel Morgan's murder, its background and the handling of the case over the whole period since March 1987. In doing so, the Panel will seek to address the questions arising, including those relating to:*

- *police involvement in the murder;*
- *the role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption; and*
- *the incidence of connections between private investigators, police officers and journalists at the News of the World and other parts of the media and alleged corruption involved in the linkages between them."*

5. Daniel Morgan was 37 years old when he was murdered in a dark corner of the car park of the Golden Lion public house in Sydenham, South East London. He was a private investigator, in partnership at Southern Investigations in Thornton Heath, with Jonathan Rees. His body was found at 9.40 pm. No-one has ever been convicted of the murder.

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6. A timeline showing the various operations and important events which have occurred during the past 34 years, is at Annex B of this Report. There have been four[1] major police investigations into Daniel Morgan's murder, an inquest, several disciplinary investigations, complaints investigations and other operations, some of which are described briefly in this Introduction. All these matters are discussed by the Panel in the chapters of its Report.

7. During the Panel's work a public appeal for information was made and interviews were conducted by the Panel with the family, with serving and retired police officers, with other individuals who were closely involved with the police investigations and with those who had information they wished to make available to the Panel. Some witnesses approached by the Panel declined to cooperate for a variety of reasons, including fear of reprisal, even more than 30 years after the murder.

1987–1988: The Morgan One Investigation – the first investigation

8. The first investigation of Daniel Morgan's murder (the Morgan One Investigation) was conducted by the Metropolitan Police. There were multiple very significant failings in the conduct of this investigation from the moment of the discovery of Daniel Morgan's body. The management and administration of the investigation was poor, and in many respects was not compliant with relevant policies and procedures.

9. The handling of the scene of the murder was totally inadequate – it was not searched and was left unguarded. There is evidence that some of those who were arrested in connection with the murder on 03 April 1987, may have been alerted to their forthcoming arrests by a leak to the media the day before they were arrested. Jonathan Rees, his brothers-in-law Glenn Vian and Garry Vian, and DS Sidney Fillery, DC Alan Purvis and DC Peter Foley were arrested as a consequence of their involvement with the provision of security by Southern Investigations at a company called Belmont Car Auctions, which rapidly became viewed, erroneously, as possibly providing a motive for murder.

10. Alibis were not sought for all the suspects. The search warrants associated with the arrests were seriously inadequate. There was no evidential continuity for many of the exhibits seized during the investigation. Lines of enquiry were not followed through properly.

11. Many of the opportunities which were lost were not retrievable. The investigation became focused on a narrow range of issues to the exclusion of lines of enquiry which should have been followed. Nobody was prosecuted for the murder.

1988: The Inquest

12. The hearing of the Inquest into the death of Daniel Morgan took place over eight days, between 11 and 25 April 1988.

13. A significant number of witnesses were called, and evidence on various matters was heard. One witness, Kevin Lennon, a former bookkeeper at Southern Investigations, gave evidence that Jonathan Rees had asked him if he knew anyone who could kill Daniel Morgan. He also confirmed that Jonathan Rees had told him in 1986 that Catford police officers would carry out the murder of Daniel Morgan, or arrange for it, and that it would take place within the jurisdiction of Catford Police Station. He also said that DS Sidney Fillery was quite aware that Daniel

1 The Terms of Reference refers to 'five' successive investigations. The Panel has found that there were four investigations, plus two reviews by the Metropolitan Police, and an intelligence-gathering operation (Operation Nigeria/Two Bridges).

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Morgan was going to be killed, and that Jonathan Rees had told him that DS Fillery would retire from the police on the grounds of ill health and would replace Daniel Morgan at Southern Investigations.

14. Despite this the Coroner said, inaccurately, that he had heard no evidence whatsoever to point to any police involvement in the murder, and that no stone had been left unturned during the investigation. This statement was quoted by the Metropolitan Police for many years when resisting pressure for a public accounting of the failures in the investigation, and to rebut allegations about the role of police corruption. On 25 April 1988, the jury delivered their verdict that Daniel Morgan had been unlawfully killed.

1988–1990: The Hampshire Police Complaints Authority Investigation – the second investigation

15. Following the Inquest and lobbying by members of Daniel Morgan's family, a second investigation was established in June 1988. The decision was made that a police force, other than the Metropolitan Police, would carry out the investigation because of the corruption allegations. It was conducted by Hampshire Constabulary, supervised by the Police Complaints Authority. Its remit was to investigate '*allegations that police were involved in the murder of Daniel Morgan and any matters arising therefrom'.* It was understood that this was an independent investigation but a senior Metropolitan Police Officer, with full access to the investigations was appointed to work with Hampshire Constabulary in January 1989. The investigation cannot be described as having been 'independent'.

16. The Hampshire/Police Complaints Authority Investigation reported, following a change in the focus of the investigation that, whilst there was circumstantial evidence to implicate Jonathan Rees and Paul Goodridge, a business associate of Jonathan Rees and Daniel Morgan, who had been arrested by the Hampshire/Police Complaints Authority Investigation for the murder, there was no evidence to implicate a police officer by name, or the police in general as being involved. There was no evidence of wilful action(s) by any member of the Morgan One Investigation to prevent the murder being properly detected. Nobody was prosecuted for the murder.

17. Despite the fact that there was significant contradictory evidence, the Hampshire/Police Complaints Authority Investigation concluded that the manner in which the investigation was conducted by the Metropolitan Police showed determination to bring those responsible before the court.

18. It did not pursue, to the fullest extent possible, evidence that serving or former police officers were involved in the murder of Daniel Morgan; had committed crimes not connected to the murder of Daniel Morgan; or had been guilty of disciplinary offences, whether or not connected to the murder of Daniel Morgan. There is some evidence that this was deliberate conduct on the part of the Hampshire/Police Complaints Authority Investigation.

19. Despite having been made aware of the shortcomings in the Morgan One Investigation and of a specific allegation made by Paul Goodridge, in March 1990 the Police Complaints Authority wrote to Alastair Morgan stating, *'... the two enquiries carried out by the Metropolitan Police and the Hampshire Constabulary have been most thorough and have produced no evidence of police involvement in your brother's murder'.* This assessment of the quality and outcome of both investigations was inaccurate.

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20. The Hampshire Constabulary, the Metropolitan Police and the Police Complaints Authority agreed, whether tacitly or expressly, to hide from the family of Daniel Morgan and from the public in general, the fact that it had evidence that the original Metropolitan Police investigation into the murder of Daniel Morgan had been ineffective, and in many respects, incompetent, and that there was important information which required further investigation.

1997–2000: Operation Nigeria/Two Bridges

21. By 1997, following a significant, wide-ranging anti-corruption investigation, intelligence existed about Jonathan Rees and former DS Sidney Fillery, who were in business as Southern Investigations (which later became Law & Commercial) and who continued to be suspects for the murder of Daniel Morgan. That intelligence indicated corrupt associations between them and serving and former police officers and criminals. A further intelligence-gathering exercise which became known as Operation Nigeria/Two Bridges was established to seek information about the suspected criminality of Jonathan Rees, former DS Fillery and others, and information about the murder of Daniel Morgan. Until July 1999, Daniel Morgan's family were not aware of Operation Nigeria/Two Bridges.

22. During Operation Nigeria/Two Bridges, evidence emerged of a conspiracy to plant Class A drugs on the wife of a client of Law & Commercial, in order to have her arrested to strengthen the client's position in an ongoing child custody battle. The disclosure necessary during the ensuing investigation and prosecution meant that the intelligence-gathering exercise had to be terminated. Jonathan Rees, DC Austin Warnes, and Simon James (the husband of the woman in question) were convicted of conspiracy to pervert the course of justice in this case.

23. The intelligence-gathering operation had been effective and it provided some useful information about those suspected of the murder of Daniel Morgan, which was shared within the Metropolitan Police, and contributed to the subsequent decision to undertake a Murder Review.

The 2000 Murder Review

24. The 2000 Murder Review began on 26 June 2000 and reported in October 2000. It made 83 recommendations for further investigation. The review was effective in its examination of the Morgan One Investigation, but it did not focus in any detail on the Hampshire/ Police Complaints Authority Investigation and as a consequence further available investigative opportunities were not identified.

2001–2003: The Abelard One/Morgan Two Investigation – the third investigation

25. A re-investigation of the murder of Daniel Morgan began in April 2001. It comprised two sides: a covert operation, and an overt investigation, established in May 2002. The two sides ran in parallel after May 2002. Together they are referred to as the 'Abelard One/Morgan Two Investigation'.

26. Multiple lines of enquiry were examined during the investigation and Jonathan Rees, Glenn Vian, Garry Vian, former DS Sidney Fillery and James Cook were arrested. Two individuals were also arrested for conspiring to provide James Cook with an alibi. However, there was insufficient evidence to prosecute any individual for the murder, and it was therefore decided that there should be no prosecution for the suspected conspiracy to provide an alibi for James Cook.

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27. The Abelard One/Morgan Two Investigation was described as one of the most expensive and resource intensive re-investigations that the Metropolitan Police has conducted. Its cost exceeded £2 million. However, despite extensive attempts to secure information and evidence, the only significant evidence to emerge related to the efforts of James Cook to establish an alibi for the night of the murder.

28. During the investigation DCS David Cook, the Senior Investigating Officer, and his wife were subjected to surveillance and various attempts were made to gather information about them by people working for the *News of the World*. This caused them considerable distress.

29. In January 2012, the Crown Prosecution Service advised that there was insufficient evidence to bring charges against Jonathan Rees, former DS Fillery, Alex Marunchak and Glenn Mulcaire. The Panel agrees with the advice offered by the Crown Prosecution Service that there was insufficient evidence capable of proving that the *News of the World* surveillance of DCS David Cook was instigated by either Jonathan Rees or former DS Sidney Fillery. Nonetheless, the circumstantial evidence suggests very strongly that intrusive activity suffered by DCS Cook, his wife Jacqui Hames, and their family was arranged by former DS Fillery and Alex Marunchak.

2005–2006: Report to the Metropolitan Police Authority on the investigations of the murder of Daniel Morgan

30. After the Abelard One/Morgan Two Investigation of the murder of Daniel Morgan, his family continued to campaign and sought a public inquiry into the police handling of the case. On 08 December 2004, the Home Office Minister, Hazel Blears MP, declined to establish an inquiry.

31. The family then sought further action through the Metropolitan Police Authority, which, in October 2005, required the Metropolitan Police to submit a report into the murder of Daniel Morgan and the circumstances surrounding it. The Report was to be completed by January 2006 and was to be made available to Daniel Morgan's family.

32. Following the rejection of the initial report in January 2006, on the grounds of inadequacy, a slightly revised version was submitted in April 2006 and was accepted.

33. The Report said, inaccurately, that had DS Sidney Fillery not been involved in the first investigation, it would have been of an average and, perhaps, acceptable standard for the time, and that there was no suggestion that he was involved in the murder itself. It inaccurately described the Hampshire/Police Complaints Authority Investigation as an independent investigation, failed to examine much of the documentation, did not identify many deficiencies in the investigation and did not explain the significant change in direction of the work of that Investigation in November 1988.

34. The Report referred to Operation Nigeria/Two Bridges, in a way which gave the family of Daniel Morgan the impression that a third investigation of the murder had taken place, which was not the case, although some '*useful information'* regarding the murder had been gained.

35. Finally, the Report referred to the 83 recommendations for the future investigation of Daniel Morgan's murder contained in the 2000 Murder Review, which with the intelligence gathered during Operation Nigeria/Two Bridges had led to the establishment of the Abelard One/Morgan Two Investigation. The Report provided a detailed synopsis of that investigation. It did not identify any failings, problems or unresolved issues.

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2006–2011: The Abelard Two Investigation – the fourth investigation

36. In March 2006, following the emergence of a new witness, a further investigation into the murder, the Abelard Two Investigation, was established. DCS David Cook, who was on full-time secondment to the Serious Organised Crime Agency, was appointed as Senior Investigating Officer. From December 2007, DCS Cook did not have the management or supervisory powers of a Senior Investigating Officer, which are essential to the conduct of an efficient, well-resourced, accountable investigation, but the assumption made by most within the Metropolitan Police was that he continued to act as Senior Investigating Officer. He reported directly to DAC (later AC) John Yates rather than to the relevant Head of the Homicide and Serious Crime Command.

37. AC John Yates refused to hand responsibility to others as his role changed and developed within the Metropolitan Police. This created a lacuna within which normal procedures were not followed, and DCS Cook was not managed and was able, by virtue of the seniority of his rank, to act freely in contravention of many established procedures and practices and in breach of his duties as a police officer.

38. The Abelard Two Investigation was protracted and lengthy, involving multiple investigative strands, and an extensive forensic review and reconstruction of the murder. Following extensive investigation, and the identification of further witnesses, Jonathan Rees, James Cook, Glenn Vian and Garry Vian were charged with the murder of Daniel Morgan. Former DS Sidney Fillery was charged with perverting the course of justice.

39. The Abelard Two Investigation made use of statutory procedures in the Serious Organised Crime and Police Act 2005 which permitted the debriefing of witnesses as Assisting Offenders. Three witnesses were debriefed under the new legislation, but ultimately their evidence and credibility was questioned.

40. Allegations were made of police misconduct of many different kinds by numerous different officers of the Metropolitan Police, some of very senior rank, over a period of several years. They include allegations that former DCS David Cook had had improper contact with witnesses and had attempted to influence the development of evidence, particularly through repeated unauthorised contacts with one Assisting Offender, Gary Eaton.

41. Abuse of process hearings began in October 2009. On 15 February 2010, Mr Justice Maddison stated that he had concluded that should there be a trial, the evidence of Gary Eaton would be excluded. Former DCS David Cook was ultimately responsible for the exclusion of Gary Eaton's evidence by Mr Justice Maddison. In subsequent years, a High Court Judge, Mr Justice Mitting, and then the Court of Appeal found, on the balance of probabilities, that the behaviour formed part of a broader pattern of criminal activity by DCS Cook designed to influence and even fabricate the evidence of prosecution witnesses in the Abelard Two Investigation.

42. Between 2006 and 2011 the Prosecution received thousands of documents which were then considered for disclosure to the Defence. That disclosure commenced in 2008 and lasted until the collapse of the case.

43. The Prosecution repeatedly found itself apologising to the Defence and the court for belatedly discovering documents within various police departments which seriously undermined the credibility of some of its witnesses. The mishandling of this material by the police led to the concession that disclosure might never be completed.

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44. By March 2011 as a result of these devastating disclosure failures and the withdrawal and exclusion of witness evidence, the case had been withdrawn by the Prosecution, and all the Defendants had been acquitted.

1987–2021: Corruption

45. From the outset, there have been allegations that police officers were involved in the murder, and that corruption by police officers somehow played a part in protecting those who committed it from being brought to justice. In 2011, the Metropolitan Police publicly admitted for the first time that police corruption had been a factor in the failure of the first police investigation.

46. There is evidence of a culture within the Metropolitan Police in 1987, which permitted very close association between police officers who were either members of the investigation or were close to those who were part of the investigation team, and individuals linked to crime. There is extensive evidence of police officers meeting DS Sidney Fillery, Jonathan Rees and others in various public houses around the area and drinking with them, even after both DS Fillery and Jonathan Rees had been arrested and continued to be suspects for the murder of Daniel Morgan. There is evidence that the investigation of Daniel Morgan's murder was discussed on some of these occasions, and that Jonathan Rees used these social interactions to obtain information about the investigation.

47. There have been indications since 1987 that Daniel Morgan had been going to report police corruption, and to sell a story about corruption to the media. The nature of that corruption has never been established. There were a number of possibilities, some of which were never examined fully, including a connection between the recovery by Daniel Morgan of a Range Rover from Malta in February 1987, and a major fraud investigation being conducted by West Yorkshire Police.

48. In February 1989, Paul Goodridge made 'off the record' allegations about Metropolitan Police involvement in the murder to DCS Alan Wheeler of the Hampshire/Police Complaints Authority Investigation. DCS Wheeler told Roland Moyle, Deputy Chair of the Police Complaints Authority, Assistant Chief Constable John Wright and DCI Paul Blaker of Hampshire Constabulary, and the Metropolitan Police Detective Superintendent acting as Liaison Officer to the Investigation what Paul Goodridge had said to him. No further action was taken in respect of Paul Goodridge's allegations, nor further associated matters.

49. It is also possible that local officers involved in identified lucrative corrupt practices, such as, selling confidential information, assisting criminals with inside police information and 'moonlighting', thought that their police careers and pensions were under threat, and that future, potentially lucrative, options might be put at risk by Daniel Morgan's alleged intention to reveal what he knew. The evidence supporting this theory as to *why* Daniel Morgan was murdered was never seriously investigated, despite the fact that in the years following Daniel Morgan's murder, several of the police officers connected to Daniel Morgan's circles and business were investigated for and convicted of serious crime.

50. A source of recurring suspicion and mistrust in the investigations of Daniel Morgan's murder has been police officers' membership of the Freemasons. DS Sidney Fillery was a Freemason and became Master of two different Lodges in 1993 and 1996. Ten police officers who were prominent in the Daniel Morgan murder investigations were Freemasons. Investigating officers entertained doubts as to whether Masonic loyalties, which all Freemasons swear to uphold,

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might conflict with those which police officers owe to each other and to the public by virtue of their office. The Panel has not seen evidence that Masonic channels were corruptly used in connection with either the commission of the murder or to subvert the police investigations.

51. Policing has long been understood as a profession in which officers stand together – a 'blue wall'. That blue wall existed to enable and support the fight against crime. Those working in policing are often in a unique position to bring evidence of wrongdoing by colleagues to their superiors. However, in some circumstances police officers who have sought to report wrongdoing have also experienced the blue wall, and have been ostracised, transferred to a different unit, encouraged to resign, or have faced disciplinary proceedings. Members of anti-corruption units in police forces have experienced hostility and rejection because of the work which they have been appointed to do. The Panel received such evidence from serving and retired officers during its work. This is not conducive to a culture of integrity.

52. The Panel has recommended that Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services conduct a thematic investigation of the operation of the practices and procedures introduced following the adoption of the Code of Ethics in 2014. This should aim to determine whether sufficient resources are available to ensure appropriate protection of those police officers and police staff who wish to draw alleged wrongdoing to the attention of their organisations.

53. Intelligence in the early 1990s indicated officers passing to criminals, information and intelligence held on them by the Metropolitan Police in return for payment or other benefits; corrupt relationships between police officers and police informants where police officers were complicit in plans to commit crimes and share insurance reward monies; the sale of information from police computers to criminals; the sabotaging of evidence; and the unauthorised disclosure of sensitive information to journalists for payment. Former officers provided the Panel with information about such corruption which they had experienced as serving officers.

54. In February 2000, Metropolitan Police data analysis revealed 273 instances in which journalists were provided with confidential police information by Law & Commercial (formerly Southern Investigations).

55. In 2006, historical intelligence about 19 former police officers associated with former DS Sidney Fillery, Jonathan Rees and Law & Commercial, showed that ten of the police officers had been convicted and imprisoned for criminal offences including false imprisonment, perverting the course of justice, and conspiracy to pervert the course of justice, drugs offences, accepting a bribe, obtaining property by deception, supplying drugs, accepting bribes for confidential information and theft of files, fraud related to computer misuse, and bribing an officer to destroy case files.

56. As well as the ten convicted and imprisoned officers, one officer had resigned while under investigation, one had been dismissed from the Metropolitan Police for failure to meet standards of honesty and integrity, and one had been demoted but later reinstated before retirement on a full pension. Two police officers were acquitted (one of inciting a police officer to commit a corrupt act, namely providing access to the Police National Computer, and the other of misconduct in public office). The remaining four were not charged or convicted of offences.

57. Between 2006 and 2010, the Metropolitan Police became aware that the Senior Investigating Officer of the Abelard Two Investigation, DCS David Cook, had had multiple contacts with a witness who was an Assisting Offender, Gary Eaton, who was providing

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extensive and very significant evidence to the investigation. This was not permitted. In 2010, Mr Justice Maddison concluded that there had probably been prompting of the witness and excluded his evidence.

58. Two public statements were made by the Metropolitan Police in 2011 and 2017 about corruption. At no point has it been indicated that the suspected corruption related to the murder itself; rather the implication has been that the suspected corruption prevented the successful prosecution of those responsible for the murder. Virtually no detail was given in these public statements as to the nature of the suspected corrupt behaviour, or how it undermined the murder investigation. The suspicion of corruption has been connected only to the 'initial' murder investigation and the focus of the imputed police corruption has been almost entirely on one individual officer, DS Sidney Fillery.

59. It was important to the family that an apology had been made. The Metropolitan Police was asked by the Panel what was meant by its public apology and its other admissions, public and private, of corruption. What was the corruption which had been identified? No response was received other than that, in instances where individual police officers had accepted or conceded corruption in the case, '*any clarity required would have to be provided by those officers themselves*'. This applied even to the contents of a letter of apology sent by Acting Commissioner Tim Godwin to Alastair Morgan in March 2011.

60. The family of Daniel Morgan suffered grievously as a consequence of the failure to bring his murderer(s) to justice, the unwarranted assurances which they were given, the misinformation which was put into the public domain, and the denial of the failings in investigation, including failing to acknowledge professional incompetence, individuals' venal behaviour, and managerial and organisational failures. The Metropolitan Police also repeatedly failed to take a fresh, thorough and critical look at past failings. Concealing or denying failings, for the sake of the organisation's public image, is dishonesty on the part of the organisation for reputational benefit and constitutes a form of institutional corruption.

61. Among its recommendations, the Panel has proposed the creation of a statutory duty of candour, to be owed by all law enforcement agencies to those whom they serve, subject to protection of national security and relevant data protection legislation.

2013–2021: Difficulties and delays

62. The Panel was charged to address questions relating to '*police involvement in the murder, the role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption; and the incidence of connections between private investigators, police officers and journalists at the News of the World and other parts of the media and alleged corruption involved in the linkages between them.*'

63. The treatment of members of Daniel Morgan's family by the police and other parts of the Criminal Justice System is central to the Panel's Terms of Reference. Delivering on that remit has taken almost eight years. Such duration and the attendant costs were not envisaged by the Home Secretary when she appointed the Panel, and Panel members certainly did not expect to be engaged for such a period; nor did they imagine that their Report would extend to some 1200 pages.

64. The difficulties and delays encountered by the Panel during the course of its work, which were the major contributing factor to the length of time it has taken, are summarised below and set out in detail in Chapter 11. However, it is appropriate to explain here the reasons for the length of the Report.

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65. The Panel was tasked to examine complex events that have taken place over more than three decades and which continued during the years of the Panel's work, almost to the date of publication. A vast amount of public money – impossible now accurately to quantify, given the passage of time and lack of records – has been spent and huge police resources have been devoted to the various major investigations. Daniel Morgan's murder remains unsolved and it is right that his family and the public are given a comprehensive explanation as to why that is the case.

66. The Panel's Report examines the sequence of events and issues arising before and after the murder and explores the allegations against different individuals who are said to have been involved. It considers all the investigations of the murder and linked investigations into corruption from 1987, including associated disciplinary and criminal investigations, the most recent of which ended in 2020.

67. Several of the most recent investigations, which had not yet begun when the Panel was established, concerned the former Senior Investigating Officer of the last two police investigations, DCS David Cook. The complexity and length of these investigations was not anticipated in 2013. It was necessary to examine them in order to fulfil the Panel's Terms of Reference. The Panel could not properly complete its work and make its report to the Home Secretary while this was ongoing.

2011–2021: Further investigations and litigation

68. In March 2011, during the Abelard Two Investigation, it was discovered that former DCS David Cook had, without authorisation, disclosed information about the investigation to a journalist, Michael Sullivan. Later it was discovered that there had been hundreds of exchanges between Michael Sullivan and former DCS Cook, during which former DCS Cook had supplied large quantities of information, some of it very sensitive, without authorisation, to Michael Sullivan.

69. It emerged that DCS David Cook had decided to write a book with Michael Sullivan about corruption in the Metropolitan Police, believing that the public would benefit from knowing about such corruption, and had removed vast amounts of confidential and secret materials from investigations in which he had been involved and other investigations, and from intelligence operations to '*set the record straight*'.

70. Two searches of former DCS David Cook's home in 2012 and 2014 had led to the discovery of enormous amounts of material belonging to police and other criminal justice agencies. He had disclosed much of this material to journalists and others. He said that he had done this because, if he could not bring the murderers of Daniel Morgan to justice, then he wanted to write a book, to reveal the evidence of corruption within alliances between elements of policing, private investigation and the media. He hoped to make money from publication of the book, and from other associated activities.

71. During the period from 2011 to 2020, the circumstances surrounding the abstraction and dissemination of material by former DCS David Cook were not fully investigated.

72. Had proper investigation occurred and had the prosecutors employed by the Crown Prosecution Service discharged their duties fully, it is possible that there would have been compelling arguments as to why it would not have been in the public interest to prosecute former DCS Cook. Had proceedings been issued against former DCS Cook there would have been an obligation on the Metropolitan Police to engage in a most extensive disclosure process, given the extent of the materials which he had abstracted and disseminated without

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authorisation. The extent to which it was possible for one officer to misconduct himself would have become apparent. This would have caused substantial embarrassment to the Metropolitan Police.

73. The Panel does not accept that the failure to investigate former DCS David Cook's activities properly was a mere accident or omission. As a consequence of the legal constraints under which the Panel rightly operates, it has not been possible to disclose the extent of the content of some of the material which it has seen. However, the Panel is of the view that the Metropolitan Police were aware of parts at least of this situation when the Panel was appointed by the Home Secretary in 2013, and that as more understanding emerged, the imperative was in part to protect the reputation of the police, rather than to expend resources dealing with the totality of the issues emerging.

74. Any serving officer with access to sensitive information, has the opportunity to remove it and use it for unlawful purposes. The failure of the Metropolitan Police to prevent DCS David Cook from removing materials over such a protracted time period causes concern as to the extent to which such behaviour may be continuing within the police service, unchecked.

75. The Panel's Report must not be regarded as one that is concerned only with a so-called 'historic' murder case with limited relevance to policing and the Criminal Justice System today. The legacy of previous corruption by police officers continues to have a harmful effect. Further concerted action is required to address the issues identified by the Panel in its findings and recommendations, which are highly relevant to policing today.

76. Civil proceedings against the Commissioner of the Metropolitan Police for malicious prosecution and misfeasance in public office by former DCS David Cook, by the men who had been acquitted of the charges against them by 2011, were concluded in July 2019 with the award of substantial damages, after the original decision of the High Court had been reversed by the Court of Appeal. The documentation and judgments from these proceedings were relevant to the Panel's work.

2013–2021: Access to documentation

77. The Panel's Terms of Reference stated that '*it is envisaged that the Panel will aim to complete its work with 12 months of the documentation being made available'.* They also provided that there would be *'exceptional and full disclosure to the Panel of all relevant documentation including that held by all relevant Government departments and agencies and by the police and other investigative and prosecuting authorities*'. This created an expectation that the Panel's work would be done within a year. The Panel was acutely aware of that expectation and of the distress caused to the family of Daniel Morgan by the length of time which has been necessary to do this work. There was, however, no anticipation of the very significant difficulties and delays which would be encountered in accessing documentation, in all its forms, nor of the large volume of material (in excess of a million pages) which would have to be considered. In fact, the final documents were not received from the Metropolitan Police until March 2021.

78. The Panel was not established under the Inquiries Act 2005 and therefore it did not have statutory powers. As a consequence, it has had to complete its work without the authority to compel witnesses and the production of material, and has relied, instead, on its Terms of Reference and the readiness of the Metropolitan Police and others to honour commitments made to the Home Secretary to provide *'exceptional and full disclosure'*. The publication of the Panel's Report was significantly delayed for a number of reasons, including the difficulties experienced with the Metropolitan Police as set out below. This caused major cost to the public purse: the expenditure on the Panel and its work has been more than £16 million since 2013.

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79. In addition to the sheer volume of material, in order to access and consider the relevant papers, the Panel has had to overcome very serious challenges, which are set out in more detail in Chapter 11. The Panel experienced very significant delays because of the difficulties of securing agreement to disclosure by the Metropolitan Police. It also had major difficulties getting proper access to the HOLMES[2] databases for the Daniel Morgan investigations. This access was essential, as not all the material was available in hard copy, and the HOLMES system facilitates more effective analysis and examination. Despite frequent requests, only limited access on specified police premises was granted in 2015.

80. Repeated requests were made for access to a computer (either a laptop or a desktop) with the ability to access the HOLMES system in the Panel's offices. In June 2015 the Panel was advised that installation in the Panel's offices would cost £26,278.31, and that enhanced security would be required. When challenged the requirement for enhanced security was withdrawn. In the light of the anticipated costs and expecting to have completed its work before long, the Panel did not pursue the matter.

81. However, significant new information and voluminous material about the investigations into the murder of Daniel Morgan continued to emerge. In January 2018, a new request was made to the Metropolitan Police for a HOLMES desktop computer to be installed in the Panel's offices, or for a HOLMES laptop to be supplied. The Panel was told that the cost of installing a HOLMES desktop at its offices, and decommissioning it in due course, would be £85,000.

82. In January 2019, the Panel was advised that a HOLMES laptop could only be supplied if significant structural enhancements were made to the Panel's offices, including new strengthened walls, a new stronger secure door, and reinforced windows. When challenged it was agreed by the Metropolitan Police that these enhancements would not be required.

83. During the COVID-19 pandemic in 2020/21, when staff had to work from home, the Metropolitan Police agreed that the Panel's HOLMES expert could use an encrypted HOLMES laptop to access the relevant HOLMES accounts at his home. The laptop was provided on 02 September 2020.

1987–2021: The treatment of Daniel Morgan's family

84. The trauma of Daniel Morgan's murder and the family's grief has been compounded by their treatment at the hands of some police officers and representatives of other organisations. They have had to fight for information over decades and have been determined in their quest to get justice.

85. Although there was some good family liaison work, those responsible for various police investigations and operations repeatedly failed to explain to the family what was happening, and they have had many dreadful shocks and almost constant frustration over the years. This led to increasing distrust in the police. The experiences of the family and their personal reflections are set out at length in Chapters 12 and 13 of this Report. A few of those incidents are recounted below to demonstrate something of what the family has suffered over the years.

86. In April 1987 Isobel Hülsmann saw, on television, the news that six men, including three police officers, had been arrested for the murder of her son. Alastair Morgan was told about the arrests by a friend who telephoned him.

2 HOLMES is a computerised database designed to support the police investigation of major crimes.

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87. In 1988, the family were not warned about the evidence which the former bookkeeper for Southern Investigations, Kevin Lennon, was to give at the Inquest: that Jonathan Rees had persistently asked him to kill Daniel Morgan; that he had refused to do so; that Jonathan Rees had told him that police officers from Catford Police Station would either be involved in the murder or would arrange it, and that DS Sidney Fillery would retire from the police and join Jonathan Rees as a business partner. Kevin Lennon's evidence stunned Daniel Morgan's family and caused them great distress

88. In 1988, after the Inquest Isobel Hülsmann and Alastair Morgan made a complaint about the police to the Police Complaints Authority, the Hampshire/Police Complaints Authority Investigation was established. In January 1989, Jonathan Rees, Paul Goodridge and Jean Wisden were arrested in connection with the murder. Alastair Morgan learned of the arrests from the television news. The arrests were completely unexpected.

89. Isobel Hülsmann and Alastair Morgan were dissatisfied and confused. They had made a complaint. The matter had not been discussed further with them. An investigation had ensued, which was not in fact an investigation of their complaint, but they were unaware of that. The Terms of Reference for the investigation had indicated that it was an investigation into police involvement in the murder, but they could see no evidence of any such investigation. The relationship between the family and the police deteriorated again as a consequence of this situation.

90. In February 1989, Jonathan Rees and Paul Goodridge were charged with the murder of Daniel Morgan, and Jean Wisden with doing an act tending and intended to pervert the course of justice. Yet again members of Daniel Morgan's family only learned about the arrests from the media or friends.

91. In July 1999, the Metropolitan Police arranged for an article to be published in the *Daily Telegraph* about the murder of Daniel Morgan to assist in an intelligence-gathering exercise as part of Operation Nigeria/ Two Bridges. The article began: *'One of the most perplexing unsolved murder inquiries to face the Metropolitan Police — the axe murder 12 years ago of a private detective — has been re-opened following the emergence of what the force describes as 'crucial' new information. …The Daily Telegraph understands that the new information concerns the hiding and disposal of the getaway car.'* The members of Daniel Morgan's family had not been told that any work was ongoing before the article's publication. They were shocked and distressed.

92. From 2001 the family began to experience trust and confidence in the officers who led the Abelard One/Morgan Two Investigation, DCI David Zinzan and DCS David Cook, and in DCS Cook's leadership of the subsequent Abelard Two Investigation. They were therefore very disappointed when no charges were preferred in 2003, and in 2011 when the six-year Abelard Two Investigation collapsed, and those charged with the murder, Jonathan Rees, Garry Vian, Glenn Vian and James Cook, were acquitted, as was former DS Sidney Fillery who had been charged with perverting the course of justice.

93. Following the acquittal of the Defendants, the Metropolitan Police made the first public admission that police corruption had played a role in the failure to bring those responsible for Daniel Morgan's murder and a public apology was made.

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94. The multiple police failures over many years, the death of witnesses and the passage of time mean that it is most unlikely there will be a successful prosecution for Daniel Morgan's murder. The fact that those failures were not made known to the family, despite their attempts to find out what had happened during the investigations, caused further deep distress to the family, and increased their distrust of the police.

95. The final chapter in the Report sets out the personal reflections of family members and in their own words. It is a collective expression of the acute frustration and devastating disappointments over 34 years following the brutal killing of Daniel Morgan. The recollections were provided by Iris Morgan, Daniel's two children, Sarah and Dan, and Daniel's mother, Isobel Hülsmann. Alastair Morgan and Jane Morgan did not make personal comments, but their views have been given significant reference throughout the Report. Alastair Morgan has taken a prominent role campaigning on behalf of the family. He was asked whether he wished to contribute with his experiences and reflections to the Report but declined to do so. However, his views are well reflected throughout this Report, and he provided the Panel with the manuscript of his book, '*Untold: The Daniel Morgan Murder Exposed*'. Iris, Sarah and Dan Morgan have each said that they '*would not be anywhere*' without Alastair Morgan, his '*tenacity is what got the family to where we are with this today'.*

96. Although much good work was done by police officers during the various investigations, an apology is owed by the Metropolitan Police and Hampshire Constabulary to the members of Daniel Morgan's family, and to the public, for neither confronting systemic failings nor the failings of individual officers and for their lack of candour.

97. In failing to acknowledge its many failings over the 34 years since the murder of Daniel Morgan, the Metropolitan Police's first objective was to protect itself. In so doing it compounded the suffering and trauma of the family.

98. In addition to the suffering and trauma experienced by the family of Daniel Morgan, there have been decades of public concern about the failure to bring the murderer or murderers to account, and the ongoing allegations of police corruption. The ineffective deployment of enormous resources over more than three decades is a matter of significant public interest, has had a serious impact on the public purse and has prevented other important police work from being carried out. More importantly, the lack of leadership, the reluctance to confront serious issues and the refusal to be publicly and internally candid about failings and deficiencies within the organisation, in this case and others, engenders distrust among the community served by the Metropolitan Police and within the organisation itself. The support of that community, and the confidence of good police officers in the organisation which they serve, is vital to the delivery of effective efficient policing. It is to be hoped that the findings and recommendations contained in this report will lead to a change of culture and ethos throughout the police service.

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Chapter 1: The Morgan One Investigation

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1 Introduction and chronology

1. The first investigation of the murder of Daniel Morgan (the Morgan One Investigation) was initiated after the discovery of his body on 10 March 1987. It proved to be a complex investigation and lasted until February 1989.

2. The Panel established the laws, professional standards and obligations applicable in 1987 for the purposes of assessment of the investigation in the light of the standards of the day.

3. The Metropolitan Police made a public statement in 2011 that corruption during the first investigation was a significant factor in the failure to bring anyone to justice. This was central to the Panel's Terms of Reference and, where appropriate, the Panel assessed the conduct of police officers throughout the investigation.

Officers of significance in the Morgan One Investigation, in order of rank

- D/Supt Douglas Campbell – Senior Investigating Officer
- DI Allan Jones – Deputy Senior Investigating Officer
- DS Malcolm Davidson – Major Incident Room Manager
- DS Sidney Fillery – Catford Crime Squad
- DC Clive Blake – Exhibits Officer

1.1 Chronology of key events relating to the Morgan One Investigation

- **10 March 1987** Daniel Morgan's body was found at about 9.40 pm in the car park of the Golden Lion public house, in Sydenham, South East London. The police investigation began.
- **11 March 1987** The Morgan One Investigation identified Jonathan Rees[1] as Daniel Morgan's business partner at Southern Investigations and visited him at home after midnight, before taking him to the police station. In the course of the day, DS Sidney Fillery took a witness statement from Jonathan Rees. Various lines of enquiry are begun.
- **16 March 1987** DS Sidney Fillery and all other officers who formed part of Catford Crime Squad were returned to normal duties away from the Morgan One Investigation.
- **20 March 1987** The Morgan One Investigation team began enquiries into links between the murder and a civil action between Southern Investigations and Belmont Car Auctions.

1 The full name of Jonathan Rees is William Jonathan Rees. The material disclosed to the Panel revealed the use of his middle name as his primary term of address. The Panel has adopted this approach throughout its report.

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- **03 April 1987** Jonathan Rees, his brothers-in-law Glenn Vian and Garry Vian, his friend DS Sidney Fillery, DC Alan Purvis and DC Peter Foley were arrested for Daniel Morgan's murder.
- **22 January 1988** A report from D/Supt Douglas Campbell was sent to the Crown Prosecution Service for their decision on possible prosecutions of those arrested on 03 April 1987. The decision was made to await possible further evidence from the Inquest. No charges were ever brought by the Morgan One Investigation.
- **April 1988** The Inquest into the murder of Daniel Morgan and the resumption of the investigation.
- **07 February 1989** The closure of the investigation.

2 10 March 1987: The murder of Daniel Morgan

4. Daniel Morgan, the husband of Iris Morgan and father of Sarah (then aged six) and Dan (then aged four), was murdered on 10 March 1987. A private investigator, he had been in partnership with Jonathan Rees at Southern Investigations in Thornton Heath, South London. Shortly before his murder, he had been in the Golden Lion public house with Jonathan Rees. Daniel Morgan's body was found in the Golden Lion car park at about 3.40 pm on 10 March 1987.

5. Witness statements taken by the police in the days after the murder helped to piece together information about Daniel Morgan's movements. Daniel Morgan had left his home at 8.30 am on 10 March 1987. His wife, Iris Morgan, thought that he had been wearing his plain grey suit and a navy blue tie. She said he had been wearing his Rolex watch.[2]

6. The probable sequence of events that day has been identified from witness statements and telephone billing records. Inevitably, there are some discrepancies in the timings indicated by these statements. This is what witnesses told the Morgan One Investigation:

i. At 9.00 am, Peter Newby, the Office Manager, arrived at Southern Investigations. Daniel Morgan was already there.

ii. At 10.20 am, Daniel Morgan returned to the office, having left earlier to collect a suit from the dry cleaner. He changed his clothing.[3] He was wearing the suit and black shoes when he was found murdered.

iii. About 11.00 am, Daniel Morgan and Anthony Pearce, another employee of Southern Investigations,[4] left Southern Investigations. Daniel Morgan served a writ at Rosan & Co. auctioneers, and then went to a meeting with a representative of CWS Property Group in Slough, according to Peter Newby.

iv. Paul Goodridge, an associate of Daniel Morgan and Jonathan Rees said that at 11.00 am, he went to the Southern Investigations' office. Other witnesses said that Paul Goodridge was not there. Paul Goodridge stated that, the previous day when he had been in the office, Jonathan Rees had told him that Southern Investigations

2 Witness statement of Iris Morgan, MPS000006001, p7, 17 March 1987.
3 Witness statement of Anthony Pearce, MPS010459001, p4, 15 April 1987.
4 Anthony Pearce was also Daniel Morgan's former step-father, having previously been married to his mother, Isobel Hülsmann. (Witness statement of Isobel Hülsmann, MPS015609001, p7, 17 March 1987).

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was being sued and was fighting the action in the High Court. Jonathan Rees needed £10,000 to lodge with the Court, and had asked Paul Goodridge if he knew anyone who could lend him the money. Paul Goodridge had told Jonathan Rees that he might be able to help him, but he later said that he had been *'stalling'* as he had realised that he *'could not ask the person to lend* [him] *the money for such a long time*'. Jonathan Rees had asked him again to try to get the money, and Paul Goodridge agreed. Paul Goodridge said he left the office at 12 noon.

v. At about 11.00 am, Daniel Morgan served a writ at Rosan & Co. auctioneers.

vi. At 12.30 pm, a meeting in Slough with a client was due to start, according to the entry in Daniel Morgan's desk diary.

vii. At 3.00 pm, Daniel Morgan called Peter Newby and described the meeting as *'good'* and that a number of levy warrants had been obtained.

viii. '[B]*etween 4.30 pm and 5.00 pm',* Daniel Morgan returned to Southern Investigations. Jonathan Rees stated, '*we were both in the office until about 6 pm'*.

ix. At '*about 5.15 pm*', Person O24 went to Daniel Morgan's home to see him, but he was not there. Person O24 stated that Iris Morgan called Daniel Morgan's car phone, and he was then able to speak to him to ask if he could see him that night. He said that Daniel Morgan had told him he had a '*very important business conference tonight*' and would be late.[5] The last incoming call to Daniel Morgan's car phone was at 4.25 pm,[6] indicating that this account was not accurate as to timing.

x. At 5.30 pm, Peter Newby left the office having handed Daniel Morgan the sum of £1,170 in cash. The majority of the money had been collected, Peter Newby said, from the execution of rent warrants. It had been brought to the office too late to be banked and was handed to Daniel Morgan for safe-keeping.

xi. At 5.30 pm, according to Peter Newby, Daniel Morgan was still in the office with Jonathan Rees, Anthony Pearce, Malcolm Webb and possibly former DC Peter Wilkins (who worked occasionally with Southern Investigations), when Peter Newby left.

xii. At 6.00 pm, Anthony Pearce saw Daniel Morgan leaving the office: '*I saw him pop his head around John REES door* [sic] *and say, "I'll see you in the Golden Lion at 7.30 pm."*'

xiii. At 6.20 pm, Margaret Harrison, who worked in a nearby estate agent's office, and Daniel Morgan went for a drink, arriving at Regan's Wine Bar, Thornton Heath. They shared a bottle of wine. She stated that Daniel Morgan told her that he had to meet his partner, Jonathan Rees, at 7.30 pm. She could not remember if he told her where.

xiv. *'At about 7.15 pm'*, Margaret Harrison and Daniel Morgan left together. She said that '*Danny was going to meet his partner John REES'*.

5 Witness statement of Person O24, MPS000046001, pp3-4, 13 April 1987.

6 Daniel Morgan Car Phone records MPS005494001, p21, 10 March 1987.

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xv. At some time between 7.15 pm and 7.50 pm, the Manager of Victoria Wines, who was a friend of Daniel Morgan, saw him on Thornton Heath High Street, with three or four beige files. She described him as in a hurry, looking *'more anxious than normal'*. She said that he carried an advertising board into her shop for her as he passed by.

xvi. At 7.15 pm, Daniel Morgan called his wife, Iris Morgan, from his car phone[7] and told her that he was going to a meeting and would be home by about 8.15 pm. She said that he did not specify who he was meeting, or where he was going.

xvii. At *'about 7.30 pm'*, Jonathan Rees met Daniel Morgan in the Golden Lion public house.[8] No other witnesses provided a definite arrival time. However, in evidence given in April 1988 at the Inquest into Daniel Morgan's death, Jonathan Rees suggested that he had arrived at *'7.30 quarter to eight'*,[9] or between 7.15 pm and 7.45 pm,[10] and that Daniel Morgan had arrived between 7.45 pm and 8.15 pm.

xviii. According to Jonathan Rees, at about 9.00 pm he left the Golden Lion public house, just before Daniel Morgan,[11] who, he said, had been writing with a Parker stainless steel ballpoint pen at the time (see below, paragraphs 92-96).[12]

xix. At 9.04 pm,[13] Jonathan Rees received a call on his car phone.

7. It has not been possible to identify, definitively, at what time Daniel Morgan entered or left the Golden Lion public house.

8. Jonathan Rees provided limited additional information in his statement of 11 March 1987 about what happened while he and Daniel Morgan were in the Golden Lion public house:

> *'We chose that Pub as we had arranged to meet Paul GOODRIDGE who was going to introduce us to a Third Party in the hope of securing a loan. However Mr GOODRIDGE failed to appear because his wife had had an accident at work so we just stayed in the Pub for a drink. Daniel was not drinking particularly heavily that evening. I think he had two or three drinks of white wine and soda. Our conversation was mainly about business and new Clients. At about 9 pm I cannot be exact about the time, we finished our drinks and made to leave the Pub. I was a few seconds ahead of him as he was held a short while making notes on a piece of paper. We said our goodbyes inside the Pub and I just walked out of the front door of the Pub and into my car which was parked in Sydenham Road almost outside the Pub. I was not made aware by Daniel where he had parked his car, although I assumed he had parked it in the rear car park. I assume that Daniel left the Pub by the rear door as I think he was only a very short time behind me and I would have noticed if he followed me through the front.'*[14]

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7 Daniel Morgan Car Phone records MPS005494001, p21, 10 March 1987.
8 Witness statement of Jonathan Rees, MPS021752001, p6, 11 March 1987.
9 Witness Jonathan Rees examined by the Coroner, INT000008001, p26, Inquest Day Eight, 25 April 1988.
10 Witness Jonathan Rees examined by the Coroner, INT000008001, p28, Inquest Day Eight, 25 April 1988.
11 Witness statement of Jonathan Rees, MPS021752001, p7, 11 March 1987.
12 Interview of Jonathan Rees, MPS010146001, p24, 04 April 1987.
13 Result of telephone checks in relation to Jonathan Rees's car phone, MPS005493001, p19, undated.
14 Witness statement of Jonathan Rees, MPS021752001, pp6-7, 11 March 1987.

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2.1 The discovery of Daniel Morgan's body

9. Daniel Morgan's body was discovered by a customer who drove into the Golden Lion public house car park at about 9.40 pm on 10 March 1987.[15] The customer stated that the headlights of his car picked out what he initially thought was a tailor's dummy lying on the ground between two cars. He moved forward and got out of his car to have a look. He then realised that it was a body.[16]

10. In his statement of 10 March 1987, the customer who had discovered Daniel Morgan's body stated that he had an axe embedded *'in the right of his neck'*. He saw two packets of crisps on the ground close to where Daniel Morgan's left hand lay and could see that his trousers were torn.[17]

11. The customer went into the Golden Lion public house and alerted the landlord.[18] He later stated in evidence at the Inquest into Daniel Morgan's death that:

> *'*[t]*he bar was crowded and I was trying to attract his attention without causing a panic. It took me maybe a minute, two minutes, to actually call him over. I whispered to him that he had a problem in his car park."*[19]

12. The customer and the landlord went outside. The customer touched the back of Daniel Morgan's left hand which, in later evidence at the Inquest, he said was cold to the touch.[20,21] The customer and the landlord went back into the Golden Lion public house, where the landlord telephoned the local police station in Catford. They waited inside the bar until the police arrived.[22,23]

13. The landlord's call was received by the police at 9.50 pm, and the police indicated that they would respond. The name of the person who recorded the original call was not transferred to the copy of the document detailing the call, where the name was simply recorded as '*ILLEDGIBLE* [sic]*'*.[24] The original document is no longer available. The identity of the person who took the original call was established subsequently by the Hampshire/Police Complaints Authority Investigation.

3 Establishing the investigation into Daniel Morgan's murder

14. Having received the call reporting the discovery of a body of a man in the car park of the Golden Lion public house, the police responded and established the investigation into the murder.

15 Witness statement of the customer who discovered Daniel Morgan's body, MPS010133001, p1, 10 March 1987.
16 Witness statement of the customer who discovered Daniel Morgan's body, MPS010133001, p1, 10 March 1987.
17 Witness statement of the customer who discovered Daniel Morgan's body, MPS010133001, p1, 10 March 1987.
18 Witness statement of the customer who discovered Daniel Morgan's body, MPS010133001, p1, 10 March 1987.
19 The customer who discovered Daniel Morgan's body, cross-examined by June Tweedie, INT000003001, p19, Inquest Day Three, 13 April 1988.
20 Witness statement of the customer who discovered Daniel Morgan's body, MPS010133001, p2, 10 March 1987.
21 The customer who discovered Daniel Morgan's body, examined by the Coroner, INT000003001, p16, Inquest Day Three, 13 April 1988.
22 Witness statement of the landlord of the Golden Lion public house, MPS010291001, 15 March 1987.
23 Witness statement of the customer who discovered Daniel Morgan's body, MPS010133001, p2, 10 March 1987.
24 Message M50, MPS012109001, 10 March 1987.

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3.1 The scene of the crime: the critical first hours

15. Fundamental to the success of any murder investigation are the initial steps taken at any scene associated with the crime to preserve the location, and any evidence which may be there.

16. In order to assess whether the initial police response complied with the professional standards and obligations applicable in 1987, the Panel obtained Metropolitan Police General Orders and Regulations from the Metropolitan Police Heritage Centre in London. The Panel also viewed the Metropolitan Police Instruction Book from 1985. The Panel is satisfied that, by 1987, the Metropolitan Police had established clear standards to govern the conduct of officers responding to the discovery of a murder or suspicious death. The Panel has reproduced some of the most relevant regulations from those two documents below.

Criminal investigation: first steps

Importance of initial action

According to the Metropolitan Police Instruction Book current at the time of Daniel Morgan's murder, when a crime is discovered, the action taken by the first police officer on the scene is of the greatest importance, for a mistake or omission at the outset may cause serious difficulty later. The first officer to arrive should therefore take careful stock of the situation and act promptly to prevent the escape of an offender, secure aid to an injured person, procure witnesses, note things they may see or hear, and prevent interference by unauthorised people.[25]

In any case of death which is believed to have been violent or unnatural, the officer who is first called should immediately send for the Inspector and, if available, a Criminal Investigation Department (CID) officer from the nearest police station, and the police surgeon. The first officer to arrive should not leave the body until he or she is relieved by the officer appointed to investigate the matter, and in the meantime, he or she should take care that the body is not moved or touched, except to ascertain that life is extinct, and should see that nothing in the room or place in which it lies is interfered with. If anyone present is suspected of, or charged with, having caused the death, the individual should be detained. Every effort should be made to prevent persons who may be able to give information from leaving until they have been interrogated. Sightseers and the general public must be excluded, and no information must be furnished to anyone without authority.[26]

The officers present must do everything possible to prevent anyone trespassing the crime scene, ensuring that nothing is touched or moved.[27]

Attendance of doctor

In cases of murder or suspicious death the police surgeon should be called, but if a private doctor attends in the meantime he or she should be requested not to move the body except as necessary to establish death.

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25 Metropolitan Police Instruction Book, Chapter 22 – Crime and Criminal Investigation, MPS107540001, p264, para 5, 1985.
26 Metropolitan Police General Orders, Section 22 – Particular Crimes, MPS107540001, pp157-158, para 103(1), 1982.
27 Metropolitan Police General Orders, Section 22 – Particular Crimes, MPS107540001, pp157-158, para 103(1), 1982.

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Criminal investigation: preservation of clues

In cases of murder, attempted murder and other serious crime, the main object, in the absence of suspects at the scene, is the preservation of clues. It is therefore essential that the first officer at the scene, who is usually the beat officer or a member of a car crew, does everything in his or her power to prevent any unauthorised person trespassing on the scene or premises.

No person (including other police officers who arrive at the scene) should be allowed to move, touch or interfere with articles or furniture in a room or at a scene, until the arrival of the Criminal Investigation Department (CID) officer in charge of the enquiry, or the Scenes of Crime Officer acting under the CID officer's directions.[28] The first officer at the scene will also note particulars of all persons present on the arrival of the first officer and those persons who subsequently arrive, their time of arrival and reasons for their arrival.[29]

'Contamination must be prevented, and disposable overshoes and gloves are available to assist at scenes of serious crime.'[30]

3.1.1 Officers and personnel who attended the scene

17. The role of the first officers on the murder scene was to check whether life was extinct. They then had to:

- attempt to secure the car park so that no vehicles could leave;
- request that all customers in the premises remained until they had been spoken to by a police officer;
- identify any possible witnesses outside the premises;
- establish the parameters of the crime scene and begin taping it off; and
- consider the immediate securing of any obvious evidence, to ensure its preservation.

18. As might have been expected, there was some confusion initially, and several officers were involved in calling for support services and providing some form of cordon at the scene of the murder. There is also some minor uncertainty about the precise times at which officers arrived at the scene. This information would have been available from the incident log.[31] D/Supt Douglas Campbell requested a printed copy of the log, which should have provided a detailed account of who went to the scene, on 14 March 1987.[32] No such incident log was found among the papers available to the Panel. Some of the statements detailing activity at the scene of the murder were made months, and even years, later.

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28 Metropolitan Police Instruction Book, Chapter 22 – Crime and Criminal Investigation, MPS107540001, p265, para 7(2), 1985.
29 Metropolitan Police Instruction Book, Chapter 22 – Crime and Criminal Investigation, MPS107540001, p265, para 7(4), 1985.
30 Metropolitan Police General Orders 'Section 20 – Crime – General', MPS107540001, p96, para 22(1), 1982.
31 The Metropolitan Police introduced the Computer Aided Despatch system in July 1984. (Freedom of Information request to Metropolitan Police, Ref 2014020001441, 14 February 2014).
32 Action A159, *'Obtain printouts from PD of all messages relating to Morgan incident'*, MPS013222001, 14 March 1987.

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19. Available records and witness statements show the following:

i. A Police Sergeant and a Police Constable were the first officers to arrive, at 9.52 pm.[33,34] The Police Constable checked Daniel Morgan's body but was unable to find any sign of a pulse.[35] The Police Constable stated:

'I was the only person to touch the body and that was to feel for a pulse in the right wrist. The body was not moved at all. We moved away from the body and sealed off the area with white tape. We called for the assistance of the Duty Officer, CID, Photographer and Scenes of Crime Officers. I made a note of people attending the scene and times of arrival. […] [T]*he Divisional Surgeon attended at 1050pm and pronounced life extinct at 1055pm. I stayed with the body until it was taken to Lewisham Mortuary by Francis Chappell Funeral Directors and Coroner's Officer* […] *at 0107 hrs.'*[36]

ii. According to his statement, the first Police Sergeant on the scene also '*took steps to preserve the scene by taping off the area and excluding persons from the vicinity*' when he arrived.[37]

iii. A second Police Constable arrived at the scene about 10.00 pm, driving into the side alleyway near the adjoining supermarket. The landlord of the Golden Lion public house showed him where Daniel Morgan's body lay and introduced him to the customer who had found the body.[36] The Police Constable took the customer's details. He also taped off the area.[37] He was joined by a Police Sergeant and Police Constable from Lee Road Police Station, who had responded to a radio call made for more officers.[38]

iv. A further Police Constable arrived at about 10.05pm and made a rough plan showing the position and registration number of 12 cars in the car park.[39] An undated, unsigned rough plan bearing the Police Constable's collar number,[40] seen by the Panel, shows 12 cars in the car park.[41] This being the only such document, it is assumed that this is the document referred to in his statement.

v. At 09.55 pm, DC Noel Cosgrave and PC Laurence Hart were at Cobbs Corner, Sydenham. They drove straight into the car park in response to the landlord's call.[42,43] In a later statement, given in 2002, DC Cosgrave timed their arrival as approximately 10.15 pm.[44] DC Cosgrave also assisted in creating a cordon and called support services.[45]

33 Witness statement of the first Police Constable on the scene, MPS010125001, p2, 11 March 1987.
34 Witness statement of the first Police Sergeant on the scene, MPS010617001, p2, 17 April 1987.
35 Witness statement of the first Police Constable on the scene, MPS010125001, p3, 11 March 1987.
36 Witness statement of the second Police Constable to arrive on the scene, MPS010462001, p2, 24 March 1987.
37 Witness statement of the second Police Constable to arrive on the scene, MPS010462001, p2, 24 March 1987.
38 Witness statement of a Police Sergeant, MPS010656001, 05 May 1987.
39 Witness statement of the Police Constable, MPS016976001, p1, 06 April 1987.
40 *'The Metropolitan Police, through its history, has partly comprised Divisions, each given one or more letters signifying different parts of London. These Divisional letters, and a Divisional number appear on the uniform epaulettes or collars of Constables and Sergeants'*, historybytheyard.co.uk, undated.
41 Diagram of vehicles in the car park, MPS011071001, undated.
42 Witness statement of PC Laurence Hart, MPS010875001, p4, 17 December 1987.
43 Witness statement of DC Noel Cosgrave, MPS010678001, p1, 27 May 1987.
44 Witness statement of DC Noel Cosgrave, MPS062385001, p1, 06 August 2002.
45 Witness statement of DC Noel Cosgrave, MPS010678001, p2, 27 May 1987.

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vi. The Duty Inspector arrived at 10.15 pm. He was in charge until the Senior Investigating Officer for the murder investigation was appointed and arrived. He tasked police officers to take the names and addresses of customers inside the Golden Lion public house, and arranged for a vehicle with special lighting to be brought in and for the attendance of photographers and scenes of crime officers.[46]

vii. WDC Julie Benfield and two other Detective Constables, all of whom were Criminal Investigation Department (CID) officers, were called at about 10.00 pm.[47] There is no record of their arrival time. One of these Detective Constables stated that they drove straight from Lee Road Police Station to Sydenham Police Station and were then directed to the Golden Lion public house. The same Detective Constable remained with Daniel Morgan's body until the forensic officers had completed their examinations.[48] WDC Julie Benfield, having seen Daniel Morgan's body, went into the Golden Lion public house, obtained the names and addresses of some of the people on the premises and took a statement from the barmaid.[49]

viii. The divisional Police Surgeon arrived at 10.55 pm. He examined Daniel Morgan's body and certified that he was dead.[50,51]

ix. DS Graham Frost, a Forensic Intelligence Officer, arrived *'at about'* 11.00 pm.[52] In a statement made later, he explained that part of his duties involved the examination of scenes of crimes and the collection of forensic evidence.[53]

x. D/Supt Douglas Campbell was telephoned at his home at 10.30 pm and appointed as Senior Investigating Officer for the murder. He arrived at 11.15 pm. D/Supt Campbell '*took command of the team of officers*' and '*caused photographs of the scene* […] *to be taken*'.[54] D/Supt Campbell was one of five Detective Superintendents, based at Catford Police Station, who were members of the 3 Area Major Investigation Pool, which was responsible for the investigation of murders and other serious crimes in South East London. D/Supt Campbell had been a member of the Pool since December 1986. He was the 'on call' Senior Investigating Officer on 10 March 1987.[55]

xi. The Forensic Photographer arrived at 11.00 pm and took five photographs of Daniel Morgan's body. He left at 01.30 am on 11 March.[56]

xii. DS Malcolm Davidson was appointed Office Manager for the murder investigation by D/Supt Douglas Campbell, who telephoned him at home.[57] DS Davidson and the first Police Constable on the scene both stated that DS Davidson arrived between 11.00 pm[58] and 11.10 pm.[59] DS Davidson later said that he had arrived at 10.30 pm.[60]

46 Witness statement of the Duty Inspector, MPS010669001, 03 May 1987.
47 Witness statement of the Detective Constable who stayed with the body, MPS018545001, p1, 08 June 1989.
48 Witness statement of the Detective Constable who stayed with the body, MPS018545001, pp1-2, 08 June 1989.
49 Witness statement of WDC Julie Benfield, MPS018565001, p1, 21 June 1989.
50 Witness statement of the first Police Constable on the scene, MPS010125001, p3, 11 March 1987.
51 Witness statement of the Divisional Police Surgeon, MPS010442001, 13 March 1987.
52 Witness statement of DS Graham Frost, MPS010726001, p1, 23 July 1987.
53 Witness statement of DS Graham Frost, MPS010726001, p1, 23 July 1987.
54 Witness statement of D/Supt Douglas Campbell, MPS010912001, p1, 07 March 1988.
55 Witness statement of D/Supt Douglas Campbell, MPS010915001, p1, 03 July 1989.
56 Witness statement of the Forensic Photographer, MPS010419001, p1, 10 March 1987 [sic].
57 Witness statement of D/Supt Douglas Campbell, MPS010915001, pp1-2, 03 July 1989.
58 Witness statement of DS Malcolm Davidson, MPS035898001, p1, 20 May 1987.
59 Witness statement of the first Police Constable on the scene, MPS010125001, p5, 08 April 1987.
60 Witness statement of DS Malcolm Davidson, MPS020020001, p1, 18 April 1989.

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xiii. The night duty Scenes of Crime Officer arrived at 11.10 pm.[61]

xiv. DI Allan Jones, with whom D/Supt Douglas Campbell had worked previously, was appointed Deputy Senior Investigating Officer by D/Supt Campbell,[62] and he attended the murder scene.[63] DI Jones arrived at a similar time to D/Supt Campbell.[64]

xv. The Coroner's Officer was informed of the murder at 11.30 pm. He attended the scene and arranged for the removal of Daniel Morgan's body.[65]

xvi. Francis Chappell & Sons Funeral Directors were called at about 12.25 am. Staff from the Funeral Directors arrived at approximately 01.00 am and transferred Daniel Morgan's body, which had been covered in plastic sheeting, to Lewisham Public Mortuary[66] at 01.07 am on 11 March 1987.[67]

3.1.2 Management of the crime scene

20. Normal policing practices required the Senior Investigating Officer to identify the crime scene, or scenes, and to protect any evidence which might be retrievable. The Panel has not seen any evidence of what the Duty Inspector or D/Supt Douglas Campbell, and the police officers under their command, regarded as 'the scene', as would have been expected. The material available to the Panel does not contain a contemporaneous diagram or map which could be relied upon as evidence.

21. The crime scene should have been defined by the Senior Investigating Officer, D/Supt Douglas Campbell, and should have included the entirety of the ground floor and any other public areas of the Golden Lion public house, as well as the beer garden and the whole car park, encompassing an area that extended just beyond the car park boundary wall and covered the alleyway access to the side of the building, shown in the map below (produced by a later investigation). There is no evidence in the papers available to the Panel that this happened.

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61 Witness statement of the first Police Constable on the scene, MPS010125001, p5, 08 April 1987.
62 Witness statement of DI Allan Jones, MPS015298001, p1, 20 July 1989.
63 Witness statement of DI Allan Jones, MPS015298001, p1, 20 July 1989.
64 Witness statement of the first Police Constable on the scene, MPS010125001, p5, 08 April 1987.
65 Witness statement of the Coroner's Officer, MPS002022001, 24 March 1987.
66 Witness statement of Francis Chappell & Sons employee, MPS010532001, 07 April 1987.
67 Witness statement of the first Police Constable on the scene, MPS010125001, p3, 11 March 1987.

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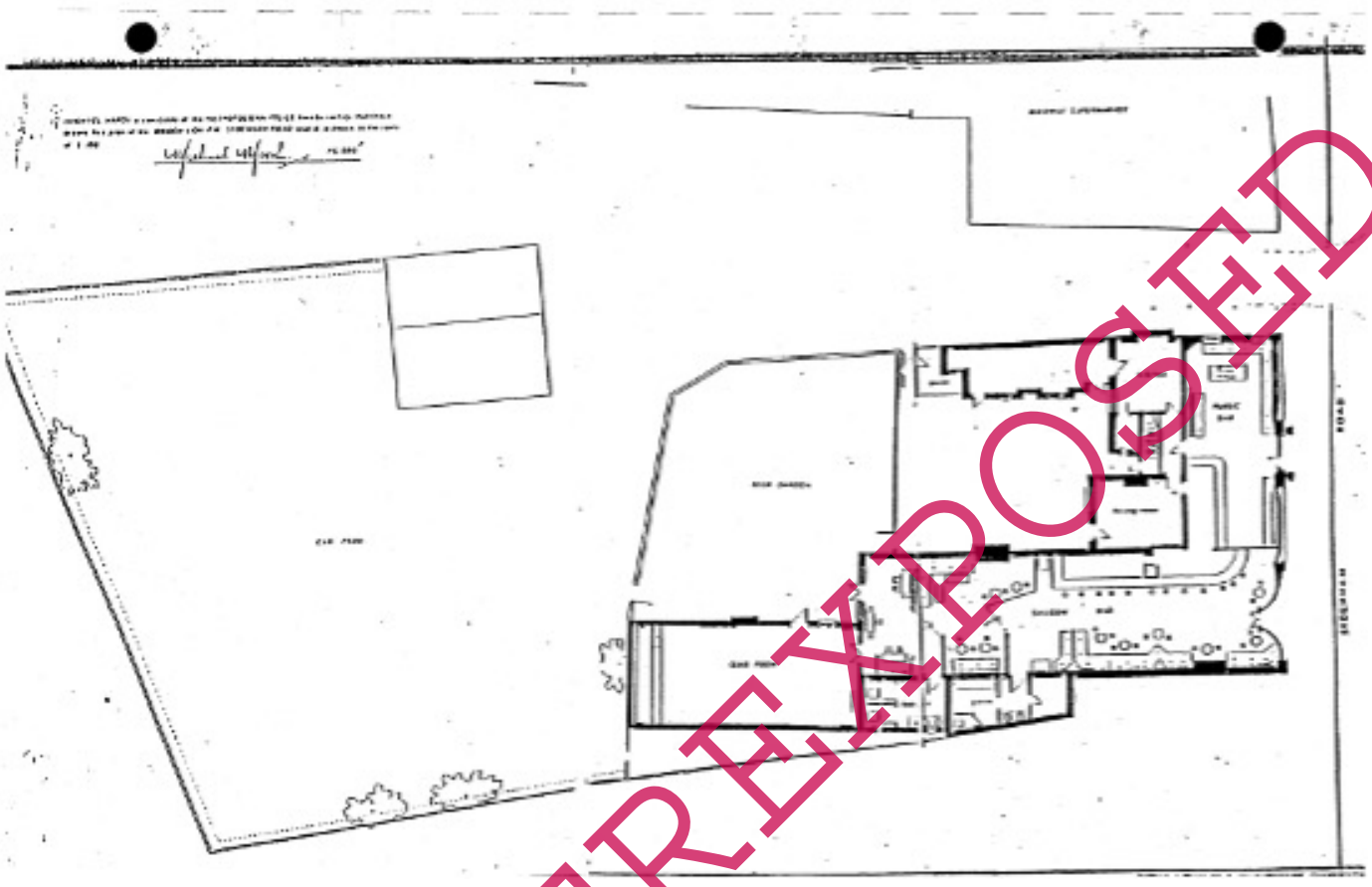
Diagram 1 The Golden Lion public house and car park plan[68]



22. It is the responsibility of the senior officer at a crime scene, and ultimately the Senior Investigating Officer from the point at which they arrive, to direct personnel to undertake specific tasks and to review the situation.

23. D/Supt Douglas Campbell's role was to direct others to carry out tasks, including the following:

i. Establishing a cordon;

ii. Securing and guarding the scene;

iii. Searching the scene;

iv. Recording details of people at the Golden Lion public house;

v. Recording details of people entering and leaving the crime scene;

vi. Photographing the scene;

vii. Appropriately handling Daniel Morgan's body; and

viii. Appropriately handling Daniel Morgan's car.

The Panel has dealt with each of these issues in turn below.

68 Copy of plan of Golden Lion public house and car park, IPC001306001, undated from the Metropolitan Police

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3.1.2.1 Establishing a cordon

24. Establishing a cordon was routine practice in 1987,[69] to prevent any unsupervised access from contaminating the crime scene. The Metropolitan Police training manual (1984) stated:

> *'Sight-seers, even fellow officers, must be kept away. Area cars and stations hold reels of white tape with which cordons can be made. Oddly enough, the white tape barrier has proved very effective in keeping the public back. It may also be used to mark the "line of approach" i.e. that part of the scene which has already been unavoidably disturbed to save life, etc.'*[70]

The Panel has assessed what evidence there is that a cordon was established.

25. Several police officers (the first Police Sergeant to attend the scene, the first two Police Constables to arrive and DC Noel Cosgrave) indicated in their statements that they had created some form of cordon at the scene. One witness stated that, as they had walked past the Golden Lion car park on 10 March 1987, they had seen that *'Police were there with lights from a van shining on the body and the car park was taped off'.*[71]

26. The first Police Sergeant to arrive at the scene stated that he and the first Police Constable to arrive had '*taped off an area around* [the] *body and articles on the floor, in order to preserve this scene for forensic examination*'. The Panel has not seen any evidence of the parameters of any cordon, or any record of how long it was maintained.[72]

27. It has not been possible to establish exactly what cordons were put in place following the murder. As Senior Investigating Officer, D/Supt Douglas Campbell should have examined the adequacy of any cordon which had been erected prior to his arrival and should have ensured that a record of it was made. While documents may have since been lost, the Panel has seen no evidence that D/Supt Campbell ensured the cordons were appropriately placed and recorded.

3.1.2.2 Securing and guarding the scene

28. The area around the murder should have been secured by police officers to prevent anyone without a specific task or role to perform within the crime scene from entering it.

29. There were three doors, two front doors and one back door, to the Golden Lion public house, which had a car park at the back in which Daniel Morgan's body was found. There was access to the back door of the Golden Lion public house from the car park through a beer garden which adjoined the building. There was also an outside toilet in the car park. There was only one vehicular exit from the car park at which there was an option to turn right or left. There was one pedestrian exit from the car park.

69 Metropolitan Police Training Manual – Scenes of Crime, 1984.
70 Metropolitan Police Training Manual – Scenes of Crime, 1984.
71 Statement of a witness who had seen the car park was taped off, MPS010261001, p3, 14 March 1987.
72 Witness statement of the first Police Sergeant on the scene, MPS077763001, p2, 20 June 2007.

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30. The Panel has only seen evidence that one of the front doors was secured by police officers. However, the two front doors are situated quite close to each other, and it would have been possible for one officer to guard them both. There was no opportunity to turn right out of the car park because that route was blocked by a police car.[73]

31. In a statement made two years later as part of continuing police investigations into the murder, the second Police Constable on the scene explained that he had been deployed to the front door of the Golden Lion public house to prevent anybody from entering or leaving.[74,75] He stated that he wrote down the names and addresses of some of the people inside, which he later handed to a Criminal Investigation Department (CID) officer at the scene. He said he was joined in this task a short time later by two other police officers,[76] who had responded to a radio call for more officers to attend the scene.

32. It does not appear that the vehicular exit from the car park was secured. There is no indication at all that the police were aware of a makeshift pedestrian exit to an adjacent street,[77] which would have provided an entry and exit point from the car park. This exit was in fact a gap in the fence that led to the street and was apparently commonly used by people as a short cut into and out of the car park.

33. While several witnesses reported leaving their cars in the Golden Lion public house car park overnight,[78,79,80,81,82] at least one witness was able to drive his vehicle across and out of the car park and away from the scene.[83] This was confirmed by his passenger.[84] The witness who drove out of the car park described the exit onto Sydenham Road as being blocked by a police car and explained they were informed by an unidentified police officer that they would have to '*exit by the back way*', which they then did. The witness also stated that he was not told to leave his car in the car park and that his car had since been washed.[85]

34. The first Police Sergeant on the scene transmitted to the communications room at Catford Police Station the registration numbers of 12 vehicles which were parked in the Golden Lion public house car park when he arrived.[86] A Police National Computer record was printed at 10.08 pm on 10 March 1987, which listed the details of the 12 vehicles. The registered owner of each of the cars was identified by 10.15 pm.[87]

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73 Statement of the witness who drove out of the car park, MPS010296001, p3, 15 March 1987.
74 Witness statement of the second Police Constable on the scene, MPS010465001, p3, 04 April 1989.
75 It is not known to which of the two doors onto Sydenham Road he referred, although the Panel acknowledges it would have been possible for one officer to guard both. (Hampshire Constabulary photographs – Golden Lion public house, MPS001057001, p4 19 October 1988).
76 Witness statement of police sergeant from Lee Road Police Station, MPS010656001, 05 May 1987.
77 Statement of witness sitting in a nearby vehicle, MPS010944001, pp2-3, 06 September 1988.
78 Statement of a witness who left their car in the Golden Lion public house car park overnight, MPS010189001, 24 August 1987.
79 Statement of a witness who left their car in the Golden Lion public house car park overnight, MPS010453001, p2, 26 March 1987.
80 Statement of a witness who left their car in the Golden Lion public house car park overnight, MPS010487001, p3, 29 March 1987.
81 Statement of a witness who left their car in the Golden Lion public house car park overnight, MPS010202001, 12 March 1987.
82 Statement of a witness who left their car in the Golden Lion public house car park overnight, MPS010196001, p2, 12 March 1987.
83 Statement of the witness who drove out of the car park, MPS010296001, p3, 15 March 1987.
84 Witness statement of Person T4, MPS010238001, p7, 12 March 1987
85 Statement of witness who drove out of the car park, MPS010296001, p3, 15 March 1987.
86 Witness statement of the first Police Sergeant on the scene, MPS010617001, 17 April 1987.
87 Police National Computer printout of vehicles at the Golden Lion public house on 10 March 1987, MPS030240001, 10 March 1987.

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35. The Golden Lion public house car park, outside toilet and the beer garden should have been sealed off immediately to enable proper forensic examination and a physical search. The perimeter should have been examined to identify all possible exits. The Panel has seen no evidence this was done.

36. An officer should have been made responsible for the conduct of proceedings inside and outside the public house. Officers should have been tasked to guard all exits from the car park and the Golden Lion public house.

3.1.2.3 Searching the scene

37. Once the scene had been secured, a generalised search for evidence should have taken place: a preliminary search immediately and a more thorough, systematic search when it became light the next morning. Daniel Morgan and those responsible for his murder may have left behind or inadvertently dropped items, both within the scene and in the immediate vicinity, which could have been important evidence. There is no evidence or record within the material disclosed to the Panel of a search of any part of the car park, the beer garden, the outside toilet, the streets in the immediate vicinity of the Golden Lion public house or even of the area where Daniel Morgan's body was found, on the night of the murder or subsequently. No police officers stated they initiated or were involved with any such search, as would be expected if it had been done.

38. Despite the fact that Daniel Morgan had apparently been drinking there minutes before his death, the Panel has seen no evidence that the interior of the Golden Lion public house was searched. No officer present said that they searched the Golden Lion public house. No officer stated that they directed someone to do this.

39. This was a failure which is not explained in any of the material that the Panel has seen. DS Graham Frost was the Forensic Science Laboratory Liaison Sergeant that night.[88] When specifically asked 18 months later, by DCI Terence Farley, of the Hampshire/Police Complaints Authority Investigation of Daniel Morgan's murder, *'exactly what his scene search had entailed on the night of the murder',*[89] DS Frost referred to having searched the pockets of Daniel Morgan's clothing and having looked in his car before making a '*visual sweep of the public house car park and the area immediately behind an adjacent wall',* after the body had been removed to the mortuary.[90] This was not a proper examination, as DCI Farley later ascertained that some items near the body (see paragraph 56 below) had not been submitted for forensic analysis, and so were apparently missed in this '*visual sweep*'.

88 Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan (Report by DCI Terence Farley), MPS005270001, p2, 19 January 1989.
89 Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan (Report by DCI Terence Farley), MPS005270001, pp1-2, 19 January 1989.
90 Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan (Report by DCI Terence Farley), MPS005270001, pp1-2, 19 January 1989.

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40. The car park was a confined space with only 12 vehicles parked in it. There is no evidence of any attempt to examine forensically (for example, by fingerprinting) the cars in the car park which were near Daniel Morgan's body.

41. The failure to conduct a search for evidence that night and to secure the scene overnight for a further comprehensive search during daylight hours meant that any evidence which might have been available was lost, and that any evidence which may subsequently have been found might have been contaminated. This was a very significant failure in the first hours of the investigation for which D/Supt Douglas Campbell was responsible.

3.1.2.4 Recording details of people inside the Golden Lion public house

42. A number of police officers collected the names, addresses and telephone numbers of people inside the Golden Lion public house, before they were allowed to leave.[91,92,93,94,95] A document described as a list of persons at the scene,[96] which comprised the accumulated handwritten lists compiled by police officers that evening, contains 94 names and addresses, and the time at which those individuals said they had arrived at the Golden Lion public house. Some Personal Descriptive Forms (PDFs) were completed in the days which followed.[97]

43. D/Supt Douglas Campbell later reported that there had been 83 people inside the Golden Lion public house at various times during the night of 10 March 1987.[98] In a separate report, he also stated that '*the investigating team are satisfied all persons present within the bar have been traced and statements obtained*'.[99]

3.1.2.5 Recording details of people entering and leaving the crime scene

44. The first officer to arrive at the scene was required, by Metropolitan Police instructions in force at the time, to note details of all persons present at that time, and of those persons who subsequently arrived. Compliance with this requirement was very important for the integrity of the ensuing murder investigation.[100]

45. A Police Sergeant and Police Constable had been the first officers to arrive at the scene.[101] The Police Constable made two statements. In the first (see paragraph 19 above) he recorded his arrival and that of the Police Sergeant, as well as the arrivals of the divisional Police Surgeon and the second Police Constable on the scene. He also stated that he had made a note of

91 Witness statement of the second Police Constable on the scene, MPS010465001, p3, 04 April 1989.
92 Witness statement of the Police Sergeant from Lee Road Police Station, MPS010656001, 05 May 1987.
93 Witness statement of a Police Constable, MPS010717001, 29 June 1987.
94 Witness statement of DC Noel Cosgrave, MPS010678001, 27 May 1987.
95 Witness statement of WDC Julie Benfield, MPS028063001, 20 September 1988.
96 Document D5, *'List of persons at scene'*, MPS011072001, 10 March 1987.
97 Personal Descriptive Forms contain the full names, dates of birth, a physical description, clothing worn at the material time, address, vehicle, and telephone details, and whether the person knew the victim, or was at the scene at the material time. Such forms were not readily available on the night.
98 Report by D/Supt Douglas Campbell, MPS022269001, 22 January 1988.
99 Registry docket report by D/Supt Douglas Campbell, MPS008491001, p1, undated.
100 Metropolitan Police Instruction Book, Chapter 22 – Crime and Criminal Investigation, MPS107540001, p265, para 7(4), 1985.
101 Witness statement of the first Police Sergeant on the scene, MPS010617001, 17 April 1987.

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'*people attending the scene and times of arrival*'.[102] He was then asked to make a second statement recording the attendance of individuals at the crime scene. In this second statement, he recorded the attendance of some individuals as follows:

> '[W]*hilst at the scene of the car park at the Golden Lion public house, Sydenham Road, I recorded the names and times of arrival of persons attending within a minute of my arrival with PS* […]*, DC COSGROVE* [Cosgrave] *and PC HART arrived.* […] *Relief* [sic] *Duty* [Inspector]*, attended at 10.05 pm,* [the] *Divisional Surgeon, arrived at 10.55 pm and pronounced life extinct at 11.00 pm. The Photographer* […] *and Laboratory Sergeant, DS FROST arrived at 11.08 pm. DS DAVIDSON and Night Duty Scenes of Crime Officer* […] *arrived at 11.10 pm. Detective Superintendent CAMPBELL, DI JONES and DC DAVIS arrived at 11.12 pm.* […] *Coroners [sic] Officer arrived on scene at 0011. Funeral Directors, Francis CHAPPELL arrived on scene at 01.07 am and took the body to Lewisham Mortuary.*'[103]

46. There is no contemporaneous record of those entering and leaving the area of the murder, although it cannot be concluded that no such document existed. The second statement made by the first Police Constable to arrive at the scene was deficient as a record of those entering and leaving the crime scene for the following reasons:

i. It did not include officers who were described elsewhere as having been at the scene.

ii. Although in some cases it was implicit, the statement failed to include the reason for each person's attendance.

iii. If the scene consisted of the whole car park, then the record became even more inadequate, since it failed to list details of any members of the public (including one Golden Lion public house customer who was able to drive his car out of the car park), or details of a number of police officers who attended in order to take witness statements from customers of the Golden Lion public house.

iv. It did not name the staff from Francis Chappell & Sons' Funeral Directors who attended.

47. All the witness statements made to both the Morgan One and Hampshire/Police Complaints Authority investigations were examined by the Panel in order to try to determine who had attended the scene of the murder. In addition to the 14 individuals named by the first Police Constable on the scene as having attended, the Panel has identified other police officers and individuals who entered the car park following the discovery of Daniel Morgan's body. Not all those individuals accounted for their presence in statements, and the Panel had to rely on the statements of other attending police officers to build its understanding of who can be identified as having been present that night.

102 Witness statement of the first Police Constable on the scene, MPS010125001, pp2-3, 11 March 1987.
103 Witness statement of the first Police Constable on the scene, MPS010125001, pp5-6, 08 April 1987.

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48. The inconsistency between the list of those who entered the crime scene compiled by the first Police Constable on the scene and those identified by the Panel shows the lack of precision in dealing with the crime scene, and the confusion as to who was there.

49. A record should have been kept of all those who entered the crime scene, together with their time of arrival and reasons for attendance, as required by the regulations in force at the time. As stated previously, a record may have been made, but the absence of such a document now means that it is impossible subsequently to say definitively who had been present at the murder scene. Responsibility lay with the most senior officers present; initially with the first Police Sergeant on the scene, then with the Duty Inspector and finally, after his arrival, with D/Supt Douglas Campbell.

3.1.2.6 Photographing the scene, and official crime scene photography

50. In order to inform the investigation team and any future court proceedings, the Metropolitan Police General Orders stated, '*In cases of sudden death where there are suspicious circumstances, or doubt as to how the death occurred, photographs should be taken of the scene and the body in situ* […].'[104]

51. The Forensic Photographer remained at the scene of Daniel Morgan's murder for two and a half hours. He took just five photographs.[105] These photographs were all of Daniel Morgan's body; aspects of the wider crime scene were only shown incidentally.

52. One of the five photographs showed Daniel Morgan's body in between two cars, his green BMW and a blue Morris Marina. These were the only two cars captured by photographs. No photographs were taken of the wider car park. When the Panel asked former DS Malcolm Davidson, Major Incident Room Manager for the investigation, about the number of photographs, he said that '[f]*ive sounds a bit slim to me*'. He explained that he would have expected the photographer to take photographs of the general area, not just the immediate vicinity of where the body of Daniel Morgan was found.[106]

53. Officers from the Hampshire/Police Complaints Authority Investigation later interviewed Scenes of Crime Officers who had been involved in the investigation.[107] DS Graham Frost said that he took six Polaroid photographs at the scene of the murder.[108,109] DCI Terence Farley recorded, '*6 Polaroid Photographs Received From Frost*'. These have not been found among any of the material disclosed to the Panel. The fact that the Polaroid photographs were not available was confirmed by the Prosecution during pre-trial proceedings in 2009:

104 Metropolitan Police General Orders, Section 39a – Fingerprint and Photographic Support, MPS107540001, p208, para 69(1), 1982.
105 Witness statement of the Forensic Photographer, MPS016088001, 10 March 1987.
106 Panel interview of former DS Malcolm Davidson, PNL000196001, p7, 20 October 2015.
107 Action A37 to interview the scene of crime officer involved in the investigation into Daniel Morgan's murder, MPS031085001, 23 August 1988.
108 Action A37 to interview the scene of crime officer involved in the investigation into Daniel Morgan's murder, MPS031085001, 23 August 1988.
109 Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan, (Report by DCI Terence Farley), MPS005270001, pp2 and 5, 19 January 1989.

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'It is right that the Polaroid photographs cannot be found. These photographs were taken after the scene photographs [...] *and as stated above, were for the benefit of the pathologist. They were plainly of poorer quality. Accordingly, it is extremely unlikely that there will be anything in the Polaroid photographs which is not apparent in the scene photographs'* [emphasis in original].[110]

54. The Polaroid photographs, which the Metropolitan Police say cannot now be found, may have contained important detail not captured elsewhere.

55. The photographs taken at the murder scene were very limited and cover only the area in which Daniel Morgan's body lay. D/Supt Douglas Campbell should have required that photographs be taken of the complete crime scene that night. Photographs should also have been subsequently taken of the whole premises, including ways in and out of the Golden Lion public house and its car park (see paragraph 59 below).

56. A small number of coins can be seen, lying in the blood adjacent to Daniel Morgan's body, in the crime scene photographs. In addition, the photographs show a small amount of debris lying on the ground near Daniel Morgan's body. There is no evidence that that this material was retrieved and examined.

57. A tyre skid mark can be seen in one of the photographs, very close to Daniel Morgan's body in the car park.[111] While it would not have been possible to use that photograph to allow a forensic scientist to compare the mark with the tyres of any suspect vehicle recovered by the police later, because it lacked sufficient detail and clarity,[112] there was provision for taking a photograph of a tyre mark in the Metropolitan Police General Orders applicable at the time:

'When clear impressions have been left at or near the scene and it appears likely that they may afford valuable evidence if the offender is caught, a suitable recording of the impressions should be taken. If the impressions are in mud, soft soil, damp sand or concrete, plaster-of-paris casts should be taken. Marks occurring in dry dusty soils, and those made in dust, or put down by muddy boots, are better photographed.

'If the impressions are in the open, they should be protected by upturned boxes, dust-bin lids or other suitable means. At a major scene of crime, if a photographer is available, it is as well to get the marks photographed before any attempt at casting, or, if it is felt necessary, an officer from the Laboratory will attend and prepare the casts.'[113]

58. No attempt to seek any examination of the tyre mark can be identified in the available records.

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110 Document D3890, *'Prosecution response to application to stay'*, MPS105847001, p25, para 50(xiv), 05 October 2009.
111 Crime scene photographs, MPS060238001, pp1-7, 10 March 1987.
112 Crime scene photographs, MPS060238001, pp1-7, 10 March 1987.
113 Metropolitan Police General Orders, Section 20 – Crime – General, MPS107540001, p98, paras 33 and 34,1982.

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59. The Panel has not seen any photographs of the ways into and out of the car park taken on the night of the murder or in the days following the murder. It has seen no photographs, taken during the Morgan One Investigation, of the inside of the Golden Lion public house, where Daniel Morgan was alleged to have been before his murder. It has seen no photographs of the beer garden at the back of the Golden Lion public house, nor of the outdoor toilet in the car park not far from the scene of the murder. Apart from the Polaroid photographs referred to above, which cannot now be found, nobody has said that they took any such photographs of the scene of the murder.

Following his arrival at the scene, D/Supt Douglas Campbell failed to secure adequate photographs, including a detailed photograph of a tyre skid mark. The proximity of the skid mark to Daniel Morgan's body alone should have been sufficient reason to seek evidence from it. At that stage in the investigation, it could not be ruled out that it might, for example, have been from a getaway car.

3.1.2.7 The handling of Daniel Morgan's body and the items found beside his body

60. Four people stated that they had touched Daniel Morgan's body:

i. The customer who had found Daniel Morgan's body had touched it to confirm whether it was real.[114]

ii. The first Police Constable at the scene had sought to identify a pulse but could not find one.[115]

iii. DS Graham Frost had touched Daniel Morgan's body in order to perform a search.[116]

iv. The divisional Police Surgeon, who arrived at 10.50 pm, examined Daniel Morgan's body and certified that he was dead.[117,118]

61. Francis Chappell & Sons Funeral Directors had arrived at approximately 01.00 am and took Daniel Morgan's body to Lewisham Public Mortuary at 01.07 am.[119,120]

62. As was usual in most murder cases at that time, no pathologist attended the murder scene.[121] The Panel enquired of former DS Malcolm Davidson why the on-call pathologist did not attend the murder scene. He said that the pathologist whom they tended to use was a responsible pathologist, and if he did not attend a crime scene, it would have been because he was unable to do so.[122] No further information is available.

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114 Witness statement of the customer who discovered Daniel Morgan's body, MPS010133001, 10 March 1987.
115 Witness statement of the first Police Constable on the scene, MPS010125001, p3, 11 March 1987.
116 Witness statement of DS Graham Frost, MPS010726001, p1, 23 July 1987.
117 Witness statement of the first Police Constable on the scene, MPS010125001, p3, 11 March 1987.
118 Witness statement of the Divisional Police Surgeon, MPS010442001, 13 March 1987.
119 Witness statement of the first Police Constable on the scene, MPS010125001, p3, 11 March 1987.
120 Witness statement of Francis Chappell & Sons employee, MPS010532001, 07 April 1987.
121 Matthews P. and Foreman J.C., Jervis on Coroners, 10 Edition, London, Sweet and Maxwell, para 11.3, 1986.
122 Panel interview of former DS Malcolm Davidson, PNL000196001, pp5-6, 20 October 2015.

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63. Daniel Morgan's body was not immediately identified. He was not recognised by the landlord of the Golden Lion public house '*as being a regular*',[123] or identified by anyone who saw the body. He was eventually tentatively identified through documentation found in his car and on his body. It is not known at what time this occurred, although according to former DS Malcolm Davidson the identity of the body was '*still unknown as no search had been made of the body*'[124] when he left the scene '*at about midnight*'.[125] Daniel Morgan's body was formally identified on 11 March 1987 (see paragraphs 253 to 254 below).

64. The regulations then in force required the officer conducting the search of a body to make '*a complete list of articles found on the body or connected with the death will be made in the officer's report book*'.[126] All marks discovered on the clothing of a dead body were also required to be carefully noted.[127] The information collected was required to be made available to the investigation team, to provide immediate information.

65. Daniel Morgan's pockets were searched by DS Graham Frost,[128] assisted by the Scenes of Crime Officer, before his body was removed to the mortuary. The items collected by DS Frost from Daniel Morgan's clothing were:

i. a large black leather wallet containing correspondence;

ii. a smaller black leather wallet containing correspondence;

iii. a Midland Bank cheque book; and

iv. a quantity of cash comprising two £50 notes, 97 £10 notes and £6.47 in coins (a total of £1,076.47).[129]

DS Frost delivered the cash sum of £1,076.47 to Catford Police Station. Receipt of the property at Catford Police Station was confirmed at 01.40 am on 11 March 1987.[130,131]

66. Iris Morgan, Daniel Morgan's widow, had said that he was wearing his Rolex watch on 10 March 1987. There is no contemporaneous statement that confirms he was wearing that watch when his body was discovered.[132]

67. Two packets of ready salted crisps and the keys to Daniel Morgan's BMW car were found next to his body and were collected as evidence by DS Graham Frost.[133]

68. No record has been found of a report book or pocket book belonging to DS Graham Frost containing information about any property or marks which he found on Daniel Morgan's body and clothing. However, in his witness statement of 23 July 1987, more than four months after the murder, DS Frost recorded the items which he collected at the scene on the night of the

123 Witness statement of the landlord of the Golden Lion public house, MPS010291001, p3, 15 March 1987.
124 Officially, a definitive identification can only be made by someone who knew the deceased or by means of scientific analysis, such as the verification of fingerprints or DNA.
125 Witness statement of former DS Malcolm Davidson, MPS010983001, p2, 18 April 1989.
126 Metropolitan Police General Orders 1982 Sec. 53 – Miscellaneous (DEAD BODIES) – Para 29(1), MPS107540001, p234, 1982.
127 Metropolitan Police General Orders 1982 Sec. 53 – Miscellaneous (DEAD BODIES) – Para 29(1), MPS107540001, p234, 1982.
128 Witness statement of DS Graham Frost, MPS010726001, pp1-2, 23 July 1987.
129 Witness statement of DS Graham Frost, MPS010726001, p2, 23 July 1987.
130 Metropolitan Police Form 66, Property concerned in crime, signed by DS Frost and the Police Sergeant the cash had been delivered to, MPS026878001, 11 March 1987.
131 Witness statement of DS Graham Frost, MPS010726001, p2, 23 July 1987.
132 Witness statement of Iris Morgan, MPS010373001, p13, 17 March 1987.
133 Witness statement of DS Graham Frost, MPS010726001, 23 July 1987.

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murder.[134] It is not known whether he compiled his statement with reference to any record he had made on the night of the murder, although the Panel accepts that this is possible.

69. The statement given by DS Graham Frost four months later on 23 July 1987 was inadequate because it lacked detail as to where and when exhibits had been stored.

70. All the items removed (apart from the money which had been delivered to Catford Police Station) were later handed to DC Clive Blake, who was appointed Exhibits Officer the following day and did not attend the murder scene.[135]

71. In interview with the Panel, former DS Malcolm Davidson said that DS Graham Frost had asked for an exhibits officer, but no exhibits officer was appointed at the crime scene.[136] Former D/Supt Douglas Campbell informed the Panel that DS Frost undertook the role of exhibits officer overnight,[137] but there is no contemporaneous evidence to support this. DS Frost said that he removed only Daniel Morgan's wallets and their contents, money, the keys to Daniel Morgan's car and the two crisp packets.[138] It is not possible from the material available to say where these objects (apart from the money) were kept overnight prior to being handed to DC Clive Blake, who became the Exhibits Officer on 11 March 1987.

72. There is no evidence to show that any of the senior officers present considered whether Daniel Morgan's body had been moved before police had arrived, or whether the packets of crisps and keys had fallen as he was struck or had been placed beside him at this stage. It is not impossible that some movement of Daniel Morgan's body had occurred before it was found (see paragraphs 299-301).

73. D/Supt Douglas Campbell should have ensured that the question of whether Daniel Morgan's body had been moved was considered when he arrived at the scene and that any conclusions reached were recorded.

74. D/Supt Douglas Campbell should have issued instructions to ensure that the continuity of evidence gathered on the night of the murder at the scene could be demonstrated. No officer (other than D/Supt Campbell who had overall responsibility) was identified as having responsibility for the evidence gathered that night. In those circumstances, DS Graham Frost should have ensured that his statements provided clear information about how these exhibits were protected before they were handed to DC Clive Blake. No such information is available.

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134 Witness statement of DS Graham Frost, MPS010726001, 23 July 1987.
135 Witness statement of DC Clive Blake, MPS028077001, p1, 07 June 1988.
136 Panel interview with former DS Malcolm Davidson, PNL000196001, p7, 20 October 2015.
137 Email from former D/Supt Douglas Campbell, 05 April 2017.
138 Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan (Report by DCI Terence Farley), MPS005270001, p2, 19 January 1989.

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3.1.2.8 Daniel Morgan's car

75. Daniel Morgan's car[139] was parked in the car park at the rear of the Golden Lion public house. His body was found very close to the car, as can be seen in the photographs which were taken.[140]

76. There is no written record, among the Morgan One Investigation papers seen by the Panel, of any search of Daniel Morgan's car on the night of the murder.

77. DS Graham Frost subsequently told the Hampshire/Police Complaints Authority Investigation that he '*went through the car looking at all items in the presence of Mr. CAMPBELL*'.[141] He said he used the keys to open the car.

78. In 2007, the Scenes of Crime Officer, who had attended the scene of the murder on the night, provided a statement to the Abelard Two Investigation, in which he said the following:

> *'Whilst still at the scene, I was aware of a BMW motor car, close to the victim's body. During my initial briefing I had been informed that this was the victim's car. I saw persons, in plain clothes at this vehicle. I saw the boot open as well as the doors. I recall various items being removed from this car, including a briefcase and paperwork. This also caused me concern as nobody appeared to be taking any notes and there was no exhibits officer to record it.'*[142]

79. There is no record of when, or by whom, Daniel Morgan's car was moved to Catford Police Station.

80. However, it is recorded in the Exhibits Book that, on 12 March 1987, two days after the murder, at Catford Police Station,[143] the Exhibits Officer, DC Clive Blake, removed nine keys from inside Daniel Morgan's car, as well as many other items.[144] Five keys on a fob, found in the car, were returned to Iris Morgan.[145]

81. The Panel has noted that, according to the Manager of Victoria Wines off-licence, Daniel Morgan had been carrying three or four beige files when he met her (see paragraph 6xv above). It is not known whether he returned these to the Southern Investigations office before he drove to the Golden Lion public house, or whether he had them with him, either on his person or in his car, when he went there. However, there is no record that those files were recovered from Daniel Morgan's car or his body after his murder. It is not known what those files might have contained. It later transpired that Daniel Morgan was allegedly going to a meeting in connection with securing a loan required for a civil action against Southern Investigations by Belmont Car Auctions, a subsequent line of enquiry in the murder investigation (see paragraphs 489-510 below). It is not improbable that those files contained information which may have been relevant to the murder investigation. There is no evidence that the Morgan One Investigation pursued this matter.

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139 Registration number A155 DFG.
140 Photographic evidence, five scene of the crime photographs, taken on 10 March 1987 at the Golden Lion public house car park by the Forensic Photographer, MPS014810001, pp1-7, 10 March 1987.
141 Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan, (Report by DCI Terence Farley), MPS005270001, pp1 and 7, 19 January 1989.
142 Witness statement of the Scenes of Crime Officer, MPS077748001, 13 November 2007.
143 Exhibits Book (items 34-60), MPS005797001, undated.
144 Exhibits Book (items 34-36), MPS005797001, p2, undated.
145 Exhibits Book (items 34-36), MPS005797001, pp2-3, undated.

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82. No enquiries were made by the Morgan One Investigation as to what these files were. The lack of records showing when and by whom items were removed from Daniel Morgan's car was a serious failing. The failure to record the time at which Daniel Morgan's BMW car was removed from the scene to Catford Police Station, the process by which this took place, and where and in what condition the car was stored, was also significant.

There is no evidence that steps were taken to protect the car from interference, or to prevent contamination or removal of evidence before it left the Golden Lion public house car park, or after it was taken to Catford Police Station. This is inexplicable given the Metropolitan Police requirement to protect '*articles* […] *at a scene, until the arrival of the C.I.D. officer in charge of the enquiry, or the Scenes of Crime Officer acting under his directions*'.[146] There would be no purpose in protecting evidence until the arrival of the Criminal Investigation Department (CID) officer or the Scenes of Crime Officer if any such evidence was not subsequently protected.

3.1.3 Ensuring continuity of evidence

83. A murder scene, and any exhibits recovered from it, must be handled to preserve evidential integrity (to be able to prove that evidence has not been altered or contaminated in any way).

84. It is not known whether any protective action, such as placing bags over Daniel Morgan's hands and head, was taken by officers at the scene. There is no reference to any such action in any statement seen by the Panel. When asked about this in 1989, DS Graham Frost was uncertain as to whether he had used protective bags. He initially said that he was sure he had, but then said if he had placed a bag over Daniel Morgan's head he would have also placed a bag over his hands.[147]

85. Disposable overshoes and gloves were available to assist at scenes of serious crime.[148] They should, as a matter of good practice, have been used. There are no photographs or records to indicate that the police officers managing the scene of Daniel Morgan's murder put on any protective clothing, shoes or gloves to prevent any contamination of evidence, nor is there anything contained in their statements to demonstrate that such action was taken.

86. The Panel has not found any corroborated evidence that protective clothing or shoes were utilised on the night of the murder to protect any evidence which was gathered.

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146 Metropolitan Police General Orders, Section 22, Particular Crimes – Special Instructions, 1982.
147 Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan, (Report by DCI Terence Farley), MPS005270001, p4, 19 January 1989.
148 Metropolitan Police General Orders, Crime – General, First steps on discovery of crime, Duties of investigating officer, section 20, p6, para 22(1), 1982.

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87. This probable failure to protect Daniel Morgan's head and hands from possible contamination meant that there could be no evidential continuity to any matter which might have been recovered from these parts of his body.

88. There is no indication that the evidence which was seized was immediately placed into bags and sealed and labelled in the appropriate manner, at the scene of the murder. There is no statement of any exhibits officer (of an exhibits list) which would have timed the seizure and bagging of the exhibits, nor is there any record of the content of the labels on the exhibits bags which should also contain this information. This should have formed the beginning of a process of continuity which would have ensured the admissibility of that evidence in any Court proceedings as exhibits in the investigation.

89. As stated above, there is no record of what DS Graham Frost did with most of the exhibits he had seized when he left the scene of the murder. The Panel has been unable to identify who had responsibility for the security of the exhibits during the night following the murder until DC Clive Blake was appointed as Exhibits Officer on 11 March 1987. There is no record of when and/or by whom the exhibits which had been seized were given to DC Blake.

90. The failure to record the proper handling and management of exhibits seized, or the location in which those exhibits were stored, was unacceptable. Evidence may have been lost, tampered with or contaminated. This failure had the potential to undermine any future prosecution. Ultimately this was the responsibility of D/Supt Douglas Campbell.

91. At least two customers at the Golden Lion public house, in at least one vehicle, were permitted to leave the car park after Daniel Morgan's body was discovered, possibly interfering with evidence which may have lain on the ground over which the car was driven.

3.13.1 Daniel Morgan's pen

92. Jonathan Rees said that Daniel Morgan had been writing with a Parker pen at the Golden Lion public house.[149] Peter Newby said that Daniel Morgan had a '*Parker ballpoint pen which had a black top and silver bottom on. He used different pens.*'[150] Some papers were found in Daniel Morgan's clothing after the murder, but it was believed that no Parker pen was found at

149 Record of interview of Jonathan Rees, MPS015703001, p64, 03 April 1987.
150 Witness statement of Peter Newby, MPS010345001, p6, 30 March 1987.

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the scene. However, a Parker pen was found in 2016, which was described as having come into the possession of police on 18 March 1987. Together with various other items such as spanners and screwdrivers, it had been kept in Daniel Morgan's car until the car was moved to West Hendon car pound.[151] On 19 August 1987, a Parker pen was recorded as having been delivered, sealed in a bag with various other items, to the Prisoners Property Office.[152] There is no evidence of what happened to it after that, until it was referred to in email correspondence dated 06 August 2013, when instructions were issued that it should not be destroyed.[153] It was drawn to the attention of DS Gary Dalby, who worked on the subsequent Abelard Two Investigation into Daniel Morgan's murder, by 25 September 2014.[154]

93. On 26 April 2016, the bag of items including the Parker pen was delivered to DS Gary Dalby, who stated on the same date that '*the property had remained in MPS* [Metropolitan Police Service] *storage since 1987*'.[155] There is no evidence as to who had made the search of the car and bagged the items, and the pen is not listed as an exhibit in the Exhibits Book. DS Dalby stated that '[t]*he bag was tightly packed and filthy*'.[156] No further information about the pen or its whereabouts is available. There is therefore no continuity to it as an evidential exhibit. In October 2020, former DS Dalby stated to the Panel that he and T/DCI Noel Beswick decided that the items in the bag were unlikely to be of any evidential value to the investigation. He said that, had he thought that the items were of any evidential value, he would have requested that they be brought immediately to his office.

94. It is not known where or by whom the pen was found, or whether it was the pen which Daniel Morgan habitually used. Had it been found inside Daniel Morgan's car in March 1987, enquiries could have been made to help verify or negate the account of Jonathan Rees that Daniel was writing with his pen when Jonathan Rees left the Golden Lion public house. David Bray told the Panel that Daniel's last pen was a '*standard black Parker pen with a stainless-steel top*', which matched the description of the pen found inside Daniel Morgan's car in 2016.[157] The handling of this evidence by the Morgan One Investigation is yet another example of the multiple failings to secure and ensure the continuity of evidence.

95. Time was spent by detectives seeking to establish the whereabouts of Daniel Morgan's pen at a time when the Morgan One Investigation team was unaware that a Parker pen had been put into an evidence bag by police, but not logged in any way, and then placed in Daniel Morgan's car. This was another failure by the Morgan One Investigation.

151 Prisoners property voucher PD/87/504, MPS109531001, pp9-10, 19 August 1987.
152 Prisoners property voucher PD/87/504, MPS109531001, p10, 19 August 1987.
153 Copy of email from Terry Keating, Specialist Crime Review Group to Criminal Exhibit Services, MPS109531001, p14, 06 August 2013.
154 Copy of email from DS Gary Dalby to Terry Keating, Specialist Crime Review Group, MPS109531001, p13, 25 September 2014.
155 Witness statement of DS Gary Dalby, MPS109531001, p1, 29 April 2016.
156 Witness statement of DS Gary Dalby, MPS109531001, p2, 29 April 2016.
157 Panel interview of David Bray, PNL000254001, p13, 27 March 2018.

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96. Having been notified of the existence of a bag of evidence which was hitherto unaccounted for in 2014, DS Gary Dalby should immediately have recovered the evidence in order to examine it. The 19-month delay in retrieving it was not acceptable.

3.1.4 Police departure from the scene

97. There is no evidence to indicate at what time police officers vacated the Golden Lion car park, as a scene of crime. The evidence available shows the following:

i. D/Supt Douglas Campbell, the Senior Investigating Officer, told the Coroner that he had remained on duty until about 2.00 am on 11 March 1987, and that he had interviewed Jonathan Rees at the police station between approximately 12.30 am and 1.00 am (see paragraphs 135-142).[158,159] The time of his departure from the crime scene is not known.

ii. DI Allan Jones, the Deputy Senior Investigating Officer, left the scene at an unrecorded time, but DC Kinley Davies stated that he went with DI Jones and WDC Julie Benfield to Jonathan Rees's home at '*about 0030 hours*'.[160] WDC Benfield said that they arrived in the '*early hours*'.[161]

iii. DS Malcolm Davidson, Manager of the Morgan One Major Incident Room, said: '*I went to Catford Police Station at about 12 midnight and there made the necessary arrangements to form an investigation team*'.[162]

98. Police officers left the scene at an unidentified time during the night. The scene should then have been guarded overnight to prevent loss or contamination of any evidence which might have been retrieved had the scene been searched the following day. Once it was daylight, a thorough search should have been carried out. It was not a large area to search, but this would have been better achieved in daylight. There is no evidence that the scene was guarded overnight by police officers, or that anything was done to preserve the scene for examination the next day (in daylight). There is no evidence that the scene was searched the following day at all.

99. Had a search occurred, other evidence might have been found which could have led to further enquiries.

100. The Panel asked former DI (later DCI) Allan Jones whether the scene was secured during the night of the murder. He replied that, in his view, '*people could have entered the car park at all hours and it was not for the police to guard the area all night*'.[163]

158 Witness D/Supt Douglas Campbell, examined by the Coroner, INT000004001, p73, Inquest Day Four, 14 April 1988.
159 Witness D/Supt Douglas Campbell, cross-examined by June Tweedie, INT000006001, p23, Inquest Day Six, 18 April 1988.
160 Witness statement of DC Kinley Davies, MPS018560001, p2, 07 June 1989.
161 Witness statement of WDC Julie Benfield, MPS018565001, p1, 21 June 1989.
162 Witness statement of former DS Malcolm Davidson, MPS010983001, p1, 18 April 1989.
163 Panel interview of former DI Allan Jones, PNL000202001, p4, 18 December 2015.

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101. The car park should not have been left unattended overnight, because it had not been searched. It is not known whether D/Supt Douglas Campbell or DI Allan Jones was the last senior officer to leave the crime scene. However, DI Jones demonstrated a grave lack of understanding of his professional duties when he told the Panel that it was not the job of the police to guard the scene of Daniel Morgan's murder overnight until it could be properly searched. Additionally, officers should have been tasked to return to the crime scene the following day, to search it and record their findings.

Recent forensic review of the scene of the crime examination

102. The Panel sought a forensic review of the work done throughout the investigation of Daniel Morgan's murder from Dr Kathryn Mashiter, an independent expert in forensic science. In the context of the Morgan One Investigation and the scene of the crime, Dr Mashiter found the following:

i. Even by the standards of the day the scene examination was poor;

ii. There are inconsistencies in relation to who cordoned off the scene and when;

iii. There seems to have been little consideration of the scene being anywhere other than the car park. There is no mention of the surrounding areas being searched;

iv. That only five crime scene photos were taken was inadequate for a major investigation.

v. There is no mention of examining blood and the surrounding area for footwear impressions. The General Orders of the time contained instructions on how to recover footwear impressions from a scene, indicating that the value of footwear evidence was acknowledged in 1987. However, in view of the numerous police officers who walked over the scene they may have destroyed any evidence of value.

vi. DS Frost has since said that he did return to the scene of the crime in daylight, but there are no notes or records to support this. If DS Frost (and the Scenes of Crime Officer) did not return to the scene during daylight hours the next day to 'finish' the scene examination, this is highly surprising.

3.2 The early hours of 11 March 1987

3.2.1 The visit to Jonathan Rees's house

103. Jonathan Rees was identified from material found on Daniel Morgan's body and in his car, as his business partner[164] at Southern Investigations.[165]

164 There is no record of exactly when police identified the man found in the car park as being Daniel Morgan.

165 Document D500, List of Exhibits, Exhibit *'2VIV FOUR (4) BUSINESS CARDS MORGAN REES & CO',* MPS011614001, p6, 11 March 1987.

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104. At about 00.30 am on 11 March 1987, DI Allan Jones, DC Kinley Davies and WDC Julie Benfield were sent by D/Supt Douglas Campbell to Jonathan Rees's home. On arrival, WDC Benfield, who was feeling unwell, stayed in the car while DI Jones and DC Davies went to the front door.[166,167,168]

105. On 07 July 1988 DC Kinley Davies stated that '*the object of the visit was to inform REES of the death of his partner and to obtain from him any information* [...] *which could assist our investigations*'.[169]

106. There is no contemporaneous record of the visit by DI Allan Jones and DC Kinley Davies to Jonathan Rees's house on 11 March 1987. There is no immediate information about how Jonathan Rees or his wife, Sharon Rees, responded to the news of Daniel Morgan's murder. In addition, it is not known what discussions took place between D/Supt Douglas Campbell and DI Jones as to what happened in Jonathan Rees's home, and what the significance of what occurred might have been for the murder investigation. DI Jones did not make a statement until over two years later, on 20 July 1989. It briefly described the visit.[170] He made a further statement in July 1995, during the course of a civil action brought by Jonathan Rees against the Chief Constable of Hampshire Constabulary and the Commissioner of the Metropolitan Police, following the arrest of Jonathan Rees and others during the 1988-1989 Hampshire/Police Complaints Authority Investigation of Daniel Morgan's murder (see Chapter 3, The Hampshire/ Police Complaints Authority Investigation).[171]

107. DCI Allan Jones[172] stated, in July 1995, that when he arrived at Jonathan Rees's home, the door was opened by Jonathan Rees, and the officers were invited inside. In this statement, DCI Jones said that,

> *'Mr REES appeared extremely nervous and dry-mouthed. He gave me the impression of being frightened. I told him that his partner had been murdered, and he said he had been with him until 9 p.m. that night at the Golden Lion public house. We were in the dining room when I told him this. His wife SHARON was sitting in the lounge opposite watching T.V. only ten to twelve feet away approximately. She was aware of the conversation. She continued to watch the T.V. and made no move to turn away from it, even though she must have heard what I had to say. This appeared to me to be very strange behaviour. I asked REES if I could use the telephone to contact Detective Superintendent CAMPBELL. I 'phoned to tell him that I was in the house with Mr REES and that Mr REES had been with MORGAN that night. The telephone was in the same room as where Mrs REES was watching television, and she continued to watch it. She took no part in the conversation whatever.*
>
> *I think I asked Mr CAMPBELL if he wanted me to bring Mr REES to Catford for interview, and Mr CAMPBELL said that yes he did. I asked Mr REES to accompany me to Catford Police Station and to bring the clothes that he was wearing earlier that night. I did not arrest him. I said to him "My boss would like to see you at Catford tonight.*

166 Witness statement of WDC Julie Benfield, MPS018565001, pp1-2, 21 June 1989.
167 Witness statement of DI Allan Jones, MPS015298001, p2, 20 July 1989.
168 Witness statement of DC Kinley Davies, MPS029494001, p1, 07 July 1988.
169 Witness statement of DC Kinley Davies, MPS029494001, p1, 07 July 1988.
170 Witness statement of DI Allan Jones, MPS015298001, p2, 20 July 1989.
171 Witness statement of DCI Allan Jones, MPS037218001, 10 July 1995.
172 By 1995 DI Jones had been promoted to the rank of DCI.

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> *Can you come with me?" He said "yes". I said "What were you wearing tonight?" and he said "These clothes" indicating the trousers and shirt he was wearing and other clothing. This I believe was a raincoat and a pair of shoes. There was possibly other clothing which I cannot now recall.*
>
> *'We went to Catford Police Station."*[173]

108. In a statement in July 1988, DC Kinley Davies said: *'REES explained that he had been wearing the grey trousers and blue striped shirt which he had on and also black shoes, black gloves, a tie and scarf and a fawn coloured raincoat which he then collected."*[174] In a subsequent statement in June 1989, DC Davies described Jonathan Rees's clothing, saying '*he was wearing a blue vertical striped shirt, grey trousers and black socks. Before leaving REES dressed himself with a maroon tie, a blue blazer, a maroon scarf, a short white mac and a pair of black brogues.*'[175] The Panel has been unable to find any further reference to the colour of his tie in the documents it received. His mackintosh coat has been variously described as being white,[176] fawn coloured[177] and light coloured.[178,179]

109. Former DI Allan Jones has since told the Panel that he found the behaviour of Jonathan Rees and Sharon Rees that night to be odd. He said that Jonathan Rees appeared scared, looking both pale and sweaty, and Sharon Rees seemed petrified during the conversation. Although she must have been able to hear everything he said to Jonathan Rees, she sat rigidly in front of the television the whole time he was there, neither acknowledging him nor giving any indication of the impact of what he was telling her husband.[180]

110. DC Kinley Davies, who had gone with DI Allan Jones to see Jonathan Rees on 11 March, also commented on Jonathan Rees's demeanour, in a statement given in July 1988:

> *'*[H]*e looked very pale and waxen and I got the impression even before anything was said that he knew the purpose of our visit.* [...] *Mrs REES* […] *was* […] *watching TV in the front room. I recall that Mr JONES asked REES if he could use the telephone which he did, and I believe he spoke to Mr. CAMPBELL* [...]*. He readily agreed to come with us and told his wife where he was going. I got the impression that feelings were a bit strained between him and his wife as she seemed to take no interest in what he said."*[181]

111. In a further statement made in June 1989, DC Kinley Davies said that when he visited Jonathan Rees's house,

> *'*[w]*e informed REES of the death of his partner and he showed no surprise. Neither did his wife take any notice of what was being said, although she must have been able to hear."*[182]

173 Witness statement of DCI Allan Jones, MPS037218001, pp2-3, 10 July 1995.
174 Witness statement of DC Kinley Davies, MPS029494001, p2, 07 July 1988.
175 Witness statement of DC Kinley Davies, MPS018560001, pp2-3, 07 June 1989.
176 Witness statement of Jonathan Rees, MPS021752001, p10, 11 March 1987.
177 Witness statement of DC Kinley Davies, MPS029494001, p2, 07 July 1988.
178 Statement of a witness who referred to Jonathan Rees' Mackintosh, MPS017643001, p1, 01 September 1988.
179 Witness statement of a barmaid at Beulah Spa public house, MPS010386001, p4, 18 March 1987.
180 Panel interview with former DI Allan Jones, PNL000201001, p4, 04 March 2015.
181 Witness statement of DC Kinley Davies, MPS029494001, pp1-2, 07 July 1988.
182 Witness statement of DC Kinley Davies, MPS018560001, p2, 07 June 1989.

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112. DC Kinley Davies's final account of the visit to Jonathan Rees's home was made in a statement taken for Jonathan Rees's civil action in 1995. He stated the following:

> *'The object of the visit was to inform Mr REES of the death of his partner and to obtain from him any information he might have which could assist our investigation* [...] *John REES answered the door. I recall that he looked very pale and waxen and I got the impression, even before anything was said, that he had a good idea who we were and why we were there.*
>
> *'*[...] *Mr REES was then told that MORGAN had been found murdered and was asked when he had last seen him. His reaction was what I would call subdued surprise* [...].
>
> *'*[...] *Mrs REES was also present* […]. *She was only a matter of feet away, and in my view she could not fail to hear what was being said. She did not even turn around. A little later in the proceedings Mr REES went over to her and said something about Daniel having been murdered but there was no particular reaction from her.*
>
> *'*[...] *Whilst it is true to say that I was suspicious of Mr REES he was not in the category of suspect. He readily agreed to come with us and told his wife where he was going. I should say that I got the impression that feelings were a bit strained between him and his wife as she appeared to take no interest in what he said, or in what we had said.'*[183]

113. Given DI Allan Jones's later observations of Jonathan Rees's '*strange behaviour*', the Panel was concerned about why there was no contemporaneous record of the visit, and why DI Jones's apparent concerns had not been brought to the attention of D/Supt Douglas Campbell at the time. The Panel interviewed former DI Jones twice, in March and December 2015, about his encounter with Jonathan Rees on the night of Daniel Morgan's murder. He recalled being asked to go to speak to Jonathan Rees, as the police knew that he was Daniel Morgan's business partner, but said at that point neither he nor D/Supt Campbell had been aware that Jonathan Rees had been in the Golden Lion public house with Daniel Morgan earlier in the evening.[184]

114. Former DI Allan Jones told the Panel that as a consequence of the behaviour of Jonathan Rees and Sharon Rees, he formed a suspicion that Jonathan Rees may have been involved in Daniel Morgan's murder.[185] He told the Panel in 2015 that he did not act on this at the time by informing D/Supt Douglas Campbell of his concerns, seeking a search warrant for Jonathan Rees's house or, given his concerns, arresting him. However, in 2020 he told the Panel '*I did advise Mr Campbell about this but certainly did not take the view then and still do not, that what I thought or felt was sufficient for the purposes of either arresting anybody or seeking a search warrant for his home address*'.

115. When interviewed in March 2015, former DI Allan Jones said, from his experience in dealing with similar crimes, he felt he could identify people whose behaviour suggested that they had something to hide.[186] He later suggested that nothing could have been gained by saying '*I think he's a suspect, Boss. "He's dry-mouthed and pallid."*' His opinion was that doing so would have *'confused the issue'*.[187]

183 Witness statement of DC Kinley Davies, MPS038144001, pp2-3, 12 July 1995.
184 Panel interview of former DI Allan Jones, PNL000202001, p1, 18 December 2015.
185 Panel interview of former DI Allan Jones, PNL000202001, p2, 18 December 2015.
186 Panel interview of former DI Allan Jones, PNL000201001, p4, 04 March 2015.
187 Panel interview of former DI Allan Jones, PNL000202001, p2, 18 December 2015.

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116. DI Allan Jones should have informed D/Supt Douglas Campbell about his experience at Jonathan Rees's house and about his observations of the demeanours of Jonathan and Sharon Rees when told the news of Daniel Morgan's death. It is difficult to comprehend how this would have *'confused the issue'*, as it would have been entirely relevant to how the police should proceed. He should have recorded the events of the night for the purposes of the murder investigation.

117. There is no record that D/Supt Douglas Campbell sought from DI Allan Jones an assessment of Jonathan Rees's reaction to the news of the murder, or an opinion regarding his demeanour, or that of his wife Sharon Rees, who was in the house with him when the police arrived. D/Supt Campbell should have sought this information to assist him in making an informed decision about whether Jonathan Rees should be brought to the police station as a witness or arrested as a suspect.

118. After leaving Jonathan Rees's house, DI Allan Jones, DC Kinley Davies, WDC Julie Benfield and Jonathan Rees drove to Catford Police Station and parked in the station yard.[188]

119. There are no contemporaneous records of what, if anything, was said in the car on the way to Catford Police Station. WDC Julie Benfield, who stated to the Hampshire/Police Complaints Authority Investigation that she had been suffering from a migraine which she found '*quite disabling*' that night, confirmed that she was unable to recall any conversation in the car.[189] In a later (1989) statement, however, WDC Benfield was more definitive, saying '[t]*here was no discussion in the vehicle en route to Catford Police station*'.[190] Neither DI Allan Jones nor DC Kinley Davies provided any contemporaneous information about any aspect of the journey to Catford Police Station.

120. Officers may have made records in notebooks which cannot now be found. Nevertheless, the absence of any contemporaneous record relating to the visit to Jonathan Rees's home, and the journey from his home to Catford Police Station, suggests that no such records were made at the time. This was not acceptable.

121. Sharon Rees was not asked to attend Catford Police Station that night. A brief statement was recorded from her on 17 March 1987.[191]

188 Witness statement of DC Kinley Davies, MPS029494001, p2, 07 July 1988.
189 Witness statement of WDC Julie Benfield, MPS028063001, p2, 20 September 1988.
190 Witness statement of WDC Julie Benfield, MPS018565001, p2, 21 June 1989.
191 Witness statement of Sharon Rees, MPS010339001, 17 March 1987.

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3.2.1.1 When did Jonathan Rees become a suspect?

122. The Panel sought to establish when Jonathan Rees became a suspect for the murder because his status either as a witness or a suspect would have determined how he should have been treated.

123. Having instructed DI Allan Jones to bring Jonathan Rees to Catford Police Station, D/Supt Douglas Campbell knew he was about to meet Daniel Morgan's business partner. DI Jones telephoned D/Supt Campbell from Jonathan Rees's house and told him that Jonathan Rees had been with Daniel Morgan in the Golden Lion public house. D/Supt Campbell should have considered at this point whether Jonathan Rees might be a suspect for the murder and taken appropriate action to enable a decision as to whether to eliminate Jonathan Rees from the enquiry.

124. The elimination, or attempted elimination, of Jonathan Rees as a suspect would have required a range of investigative actions including an in-depth interview, the seizure of his clothes for forensic examinations, the seizure of his car for similar examinations, the possible search of his home, and the interview of his wife, Sharon Rees, to gain information about his movements on the day of the murder (and in particular his return home on the evening of 10 March 1987). All of these actions would have been standard practice at the time.

125. D/Supt Douglas Campbell gave evidence at the Inquest into Daniel Morgan's death that Jonathan Rees '*was not a suspect from the outset*'.[192] However, when questioned by June Tweedie (Counsel for Isobel Hülsmann and Alastair Morgan) on day six of the Inquest, D/Supt Campbell agreed that everyone was a potential suspect.[193] He confirmed that he had not asked DI Allan Jones to take a statement from Jonathan Rees at that stage or to record the conversations they had with him. D/Supt Campbell was asked: '*Did you not consider that a person very close to Daniel Morgan at the time of his death should have had a statement taken or at least some notes made of the conversation at that stage?*' He responded '[n]*o*', saying that '[a]*s has been said in this court, at that stage Mr. Rees was not a suspect*'.[194] He said that, as Jonathan Rees had been brought to the station at some time after midnight, it was '*not the best time to take a full statement from the man*'.[195] It was then suggested to D/Supt Campbell that information given to Jonathan Rees at that stage should have been recorded to provide detail of what he had been told by the police. D/Supt Campbell responded, '*I can see that*'.[196]

126. The Panel notes that DC Duncan Hanrahan (a police officer who knew Jonathan Rees and who had previously investigated a robbery of money from him; see paragraph 902) later claimed that D/Supt Douglas Campbell '*had asked* [sic] *me that normally the last person to see the victim was the suspect*'.[197]

127. The Panel has seen no attempts to seek permission for, or to carry out, a search of Jonathan Rees's home and his car for evidence on the night of Daniel Morgan's murder. This would indicate that he was not viewed as a suspect, either before or after his conversation with D/Supt Douglas Campbell and DI Allan Jones.

192 Inquest into the death of Daniel Morgan, MPS022282001, p73, Day Four, 14 April 1988.
193 Inquest into the death of Daniel Morgan, MPS015478001, p24, Day Six, 18 April 1988.
194 Inquest into the death of Daniel Morgan, MPS015478001, p24, Day Six, 18 April 1988.
195 Inquest into the death of Daniel Morgan, MPS015478001, p24, Day Six, 18 April 1988.
196 Inquest into the death of Daniel Morgan, MPS015478001, p25, Day Six, 18 April 1988.
197 Intelligence Report, MPS020500001, p6, 25 September 1998.

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128. D/Supt Douglas Campbell, knowing that Jonathan Rees was Daniel Morgan's business partner, and having been informed by DI Allan Jones that Jonathan Rees had been drinking with Daniel Morgan immediately before his death, should have considered whether Jonathan Rees might be a suspect.

Jonathan Rees should have been the subject of immediate further enquiries, and his wife, Sharon Rees, should also have been interviewed as a matter of priority. The failure to do this meant that initial investigative opportunities were missed which could never be recovered.

3.2.2 Catford Police Station

129. DI Allan Jones stated that, on arrival at Catford Police Station, there were '*a large number of members of the public in the entrance*',[198] so he asked DC Kinley Davies to drive around to the back of the building, where he planned to take Jonathan Rees into the waiting rooms.[199] DI Jones said that the door at the back was locked and he could not open it. The only other way into the station was through the charge room door, and therefore Jonathan Rees was brought into the police station that way.[200] DC Davies confirmed this.[201]

130. DI Allan Jones stated that, not wishing to walk Jonathan Rees around the police station trying to find an empty room, he asked him to wait by the bench furthest away from where prisoners were dealt with, while he checked whether any of the waiting rooms were vacant. He was subsequently told that they were all in use.[202] DI Jones said that he also had to find D/Supt Douglas Campbell, as he was unaware of the location of his office.[203]

131. DC Kinley Davies stated that when Jonathan Rees arrived at Catford Police Station, he '*placed his gloves, scarf and tie*' on the Custody Officer's desk, and the Custody Officer reached for a custody record.[204] He said that DI Allan Jones explained to the Custody Officer that Jonathan Rees was the business partner of the murder victim, Daniel Morgan, and had not been arrested.[205] DC Davies stated that, to the best of his knowledge, Jonathan Rees was not searched at the police station, nor was a custody record made out for him, as the Custody Officer had said that in the circumstances one was not required.[206] The Panel sought to trace the Custody Officer concerned, as he had never been asked to give a statement, but was unable to do so.

198 Transcript of interview in respect of DI Allan Jones (11:43-15:45) in the presence of DCS Lamper, a Detective Sergeant and an Inspector, MPS038440001, p5, 10 August 1988.
199 Transcript of interview in respect of DI Allan Jones (11:43-15:45) in the presence of DCS Lamper, a Detective Sergeant and an Inspector, MPS038440001, p5, 10 August 1988.
200 Transcript of interview in respect of DI Allan Jones (11:43-15:45) in the presence of DCS Lamper, a Detective Sergeant and an Inspector, MPS038440001, p5, 10 August 1988.
201 Witness statement of DC Kinley Davies, MPS029494001, p2, 07 July 1988.
202 Transcript of interview in respect of DI Allan Jones (11:43-15:45) in the presence of DCS Lamper, a Detective Sergeant and an Inspector, MPS038440001, p5, 10 August 1988.
203 Transcript of interview in respect of DI Allan Jones (11:43-15:45) in the presence of DCS Lamper, a Detective Sergeant and an Inspector, MPS038440001, p5, 10 August 1988.
204 Witness statement of DC Kinley Davies, MPS029494001, p2, 07 July 1988.
205 Witness statement of DC Kinley Davies, MPS029494001, p2, 07 July 1988.
206 Witness statement of DC Kinley Davies, MPS029494001, p2, 07 July 1988.

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132. Having left Jonathan Rees in the custody office, DI Allan Jones went to see D/Supt Douglas Campbell. The Panel cannot establish exactly what was discussed at this stage. However, at an interview in December 2015, former DI Jones told the Panel that, when informed that Jonathan Rees was waiting in the custody office, D/Supt Campbell asked, '*you haven't arrested him have you?*' and said that '*we don't want the PACE* [Police and Criminal Evidence Act 1984] *clock starting*'.[207]

Was Jonathan Rees arrested?

133. In a complaint against the Metropolitan Police in 1988 about a number of matters, Jonathan Rees stated that '[m]*y circumstances on that night clearly amounted to my having been arrested* […] *I was placed in the charge-room* [...] *and certain formalities were begun*'.[208] Jonathan Rees's complaint was investigated by DCS David Lamper (see paragraphs 991-1012). DCS Lamper reported on 17 November 1988 that in a later statement Jonathan Rees had added he '*was searched and a custody record made out*'.[209] DCS Lamper interviewed officers and found nothing to support Jonathan Rees's assertion. DCS Lamper also requested a search of custody records from that night and stated, '*no custody record in the name of REES was found*'.[210] DCS Lamper found that Jonathan Rees had not been arrested, stating '[t]*herefore in my view there is insufficient evidence to support a charge of unlawful arrest*' [emphasis in original]. [211]

The Panel sought to establish from the papers available to it whether Jonathan Rees had been arrested.

The Panel attempted to clarify whether a custody record had been created for Jonathan Rees, and examined photocopies of three custody records from that night (at 11.20 pm, 12.20 am and 1.20 am).[212,213,214] There was a discrepancy in the handwritten numbering of the front page of the 12.20 am record: it shows its record number as 1072, but the second page shows its number amended from 1073 to 1072. The front page of the 1:20 am record shows its number altered from 1074 to 1073. It is possible that Jonathan Rees arrived at Catford Police Station within the period between these three custody records, and if a custody record was completed for him, it could possibly have been removed and the records renumbered.

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207 This was a reference to the custody time limits set down in the Police and Criminal Evidence Act (PACE) 1984.
208 Report by DCS David Lamper; Complaint against police, MPS005459001, p47, 17 November 1988.
209 Report by DCS David Lamper; Complaint against police, MPS005459001, p30, 17 November 1988.
210 Report by DCS David Lamper; Complaint against police, MPS005459001, p31, 17 November 1988.
211 Report by DCS David Lamper; Complaint against police, MPS005459001, p49, 17 November 1988.
212 Op Drake Document D346, 'Custody Record 1071 BARKAS 2220hrs [SIC] 100387,' MPS025640001, 10 March 1987.
213 Op Drake Document D347, 'Custody Record 1072 STROTTEN 0020HRS 110387,' MPS025639001, 11 March 1987.
214 Op Drake Document D348, 'Custody Record 1073 OLROD 0120HRS 110387,' MPS025638001, 11 March 1987.

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However, as the front page of the 12:20 am custody record shows an unaltered number of 1072, it is possible that the alterations arose due to human error in misnumbering the second page of the 12.20 am record. Additionally, the time at which Jonathan Rees arrived at Catford Police Station has not been definitively established. PC Laurence Hart, who had been among the first officers to arrive at the crime scene on the night of 10 March 1987, recorded in both his duty sheet and his statement that he arrived back at Catford Police Station at 1.00 am, and his statement then describes that he saw Jonathan Rees about 15 minutes later. If these records are correct, then Jonathan Rees could have arrived when the 1.20 am custody record was being completed for someone else, or even afterwards.

In a statement dated 17 December 1987, PC Laurence Hart recalled that, on 11 March 1987, he had returned from the scene of Daniel Morgan's murder to Catford Police Station '*probably around 01am – 1.30am*'[215] and that he was in the charge room about 15 minutes later, when Jonathan Rees arrived with DI Allan Jones.[216] PC Hart said that, when Jonathan Rees had greeted him by name, he was taken to one side by DI Jones and asked whether he knew Jonathan Rees, to which he replied: '*Yes, he's a good friend of Sid FILLERYS*'.[217] PC Hart had been at the time a member of the Catford Crime Squad which was led by DS Sidney Fillery. PC Hart stated that DI Jones then told him that Jonathan Rees had been arrested for Daniel Morgan's murder.[218] In his statement of 17 December 1987, PC Hart provided further information that:[219]

i. he had known Jonathan Rees for about 18 months, having been introduced to him by DS Fillery;

ii. DS Fillery and Jonathan Rees had been friends for some time;

iii. he had seen Jonathan Rees on approximately 12 occasions, always at Catford Police Station;

iv. Jonathan Rees regularly telephoned the Crime Squad office to speak to DS Fillery;

v. he was never surprised to see Jonathan Rees in the Crime Squad office;

vi. Jonathan Rees attended social functions at Catford Police Station;

vii. Jonathan Rees acted as a legal representative for prisoners;

viii. he had thought that Jonathan Rees was a former police officer, and that he would use police jargon; and

ix. he had telephoned DS Fillery and told him that Daniel Morgan had been murdered and that Jonathan Rees had been arrested. DS Fillery had asked if Jonathan Rees could telephone him when he was released.

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215 Witness statement of PC Laurence Hart, MPS010875001, p4, 17 December 1987.
216 Witness statement of PC Laurence Hart, MPS010875001, pp4-5, 17 December 1987.
217 Witness statement of PC Laurence Hart, MPS010875001, p5, 17 December 1987.
218 Witness statement of PC Laurence Hart, MPS010875001, p5, 17 December 1987.
219 Witness statement of PC Laurence Hart, MPS010875001, 17 December 1987.

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However, this information was not available to D/Supt Douglas Campbell until December 1987, so it could not form any part of his earlier deliberations.

PC Laurence Hart made two further statements about seeing Jonathan Rees at the custody desk. The second statement, on 22 June 1988, made no mention of the discussion with DI Allan Jones or DC Kinley Davies, nor of any arrest of Jonathan Rees.[220] The third statement, made on 16 May 1991, stated: '*D/I JONES then told me, I think, either that Mr REES had been arrested for the murder or brought in for the murder, from which words I would have assumed that he had been arrested.*'[221] Providing more general comment on his interactions with Jonathan Rees, PC Hart stated he had seen Jonathan Rees at Catford Police Station on about 30 to 40 occasions, speaking to him about 12 times since first meeting him.[222]

DC Kinley Davies recalled Jonathan Rees greeting PC Laurence Hart '[o]*n the way in to the Charge Room*' and confirmed that a conversation took place in his presence between DI Allan Jones and PC Hart.[223] DC Davies stated that PC Hart was told by DI Jones that Jonathan Rees was there because he was the business partner of the victim, Daniel Morgan, and had been asked to come in to assist the enquiry.[224] DC Davies stated that he remembered Jonathan Rees clarifying with DI Jones that he was not under arrest as, if he was, he would have wanted a solicitor present.[225]

DC Kinley Davies recalled that DI Allan Jones then went upstairs to see D/Supt Douglas Campbell and, upon his return several minutes later, they all went up to the top floor and joined D/Supt Campbell.[226]

134. Despite PC Laurence Hart's original statement that DI Allan Jones had told him that Jonathan Rees had been arrested (which PC Hart subsequently explained as being his own interpretation), and despite the fact that Jonathan Rees later claimed a custody record had been made out for him that night, and there was a possibility that custody records may have been renumbered, the Panel is satisfied that Jonathan Rees attended the police station voluntarily, particularly given the content of his statement taken later in the day which contains no mention of any arrest, and the content of all the relevant statements and other documentation which has been examined and which do not show that Jonathan Rees was arrested on the night of 10 March 1987.

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220 Witness statement of PC Laurence Hart, MPS029696001, 22 June 1988.
221 Witness statement of PC Laurence Hart, MPS038138001, p2, 16 May 1991.
222 Witness statement of PC Laurence Hart, MPS038138001, p1, 16 May 1991
223 Witness statement of DC Kinley Davies, MPS028043001, p2, 07 July 1988.
224 Witness statement of DC Kinley Davies, MPS028043001, p2, 07 July 1988.
225 Witness statement of DC Kinley Davies, MPS028043001, p2, 07 July 1988.
226 Witness statement of DC Kinley Davies, MPS028043001, p2, 07 July 1988.

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3.2.2.1 The meeting between Jonathan Rees, D/Supt Douglas Campbell and DI Allan Jones

135. D/Supt Douglas Campbell saw Jonathan Rees at Catford Police Station in the early hours of the morning of 11 March 1987 in the Detective Chief Superintendent's office. DI Allan Jones and DC Kinley Davies were also present.[227,228] There are no contemporaneous notes of this meeting. Later, at the Inquest, D/Supt Campbell said that no notes had been made of this meeting because at that time Jonathan Rees was not a suspect.[229]

136. Jonathan Rees later complained about, among other things, the failure to record this meeting. As stated above, his complaints were investigated by DCS David Lamper.[230]

137. When interviewed by DCS David Lamper about the meeting, D/Supt Douglas Campbell said that he had spoken to Jonathan Rees to find out as much as he could about the background of Daniel Morgan, and to ascertain who, to Jonathan Rees's knowledge, could be responsible for his partner's death.[231] D/Supt Campbell said that no notes were taken as it was intended that a full witness statement would be taken at a more reasonable hour.[232]

138. DI Allan Jones, when interviewed in the same context, said that D/Supt Douglas Campbell had spoken to Jonathan Rees that night for the following reasons: he was one of the last men to have seen Daniel Morgan alive; Jonathan Rees might have had valuable information to give; the police were seeking background knowledge of the victim; and in order to see where to start the enquiry.[233] DI Jones stated that nothing of importance which required immediate action arose from the conversation.[234] He also later agreed that no notes were taken because Jonathan Rees was not a suspect at this stage, and it was not a requirement that a statement or notes were taken. DI Jones said that he was expecting a statement to be taken later in the morning.[235]

139. DCS David Lamper did not substantiate the complaint, accepting D/Supt Douglas Campbell's evidence. His report stated:

> *'I would imagine that both officers are regretting that notes of their conversation were not taken that night. If they had been then possibly so many disputes as to what was said or done would not have arisen. However, having said that, there was no legal requirement for notes to be taken and it was the Senior Investigating Officer's intention that a full statement should be taken from REES, just a few hours later.'*[236]

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227 Transcript of interview of DI Allan Jones (11:43-15:45) in the presence of DCS Lamper, a Detective Sergeant and an Inspector, MPS038440001, p11, 10 August 1988.
228 Transcript of interview of D/Supt Douglas Campbell following a complaint by Jonathan Rees (11:04-15:05) in the presence of DCS Lamper and a Detective Sergeant, MPS038968001, p3, 23 August 1988.
229 Inquest into the death of Daniel Morgan, Sixth Day, MPS015478001, p23, 18 April 1988.
230 Police Complaints Authority Report to William Jonathan Rees, MPS037279001, p1, 27 March 1990.
231 Transcript of interview of D/Supt Douglas Campbell following a complaint by Jonathan Rees, (11:04-15:05) in the presence of DCS Lamper and a Detective Sergeant, MPS038968001, p7, 23 August 1988.
232 Transcript of interview of Douglas Campbell (11:04-15:05) in the presence of DCS Lamper and a Detective Sergeant, MPS038968001, p7, 23 August 1988.
233 Transcript of interview of DI Allan Jones (11:43-15:45) in the presence of DCS Lamper, a Detective Sergeant and an Inspector, MPS038440001, p12, 10 August 1988.
234 Transcript of interview of DI Allan Jones (11:43-15:45) in the presence of DCS Lamper, a Detective Sergeant and an Inspector, MPS038440001, p13, 10 August 1988.
235 Transcript of interview of DI Allan Jones (11:43-15:45) in the presence of DCS Lamper, a Detective Sergeant and an Inspector, MPS038440001, p13, 10 August 1988.
236 Report by DCS David Lamper; Complaint against police, MPS005459001, p66-67, 17 November 1988.

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140. The Panel has had to rely almost entirely on the papers from DSC David Lamper's complaint investigation to paint a limited picture of the meeting between Jonathan Rees, D/Supt Douglas Campbell and DI Allan Jones during the early hours of 11 March 1987. The Morgan One Investigation papers provided no information regarding this.

141. However, a statement dated 09 September 1995 by D/Supt Douglas Campbell was found among the case papers of the civil action brought by Jonathan Rees against the Commissioner of the Metropolitan Police and the Chief Constable of Hampshire. In this, D/Supt Campbell said,

> *'*[…] *JONES brought REES into my presence. We all sat down, and I asked REES to tell me the background to Danny MORGAN. We were talking for about forty minutes. I asked him why REES and MORGAN were both in the pub.* [sic] *that night, how much money Danny MORGAN normally carried on him, his family circumstances, his work and general information about his life that would help me to know Danny MORGAN better. REES was not under arrest. I did not question REES under caution. He was not a suspect. I was speaking to him within about two hours of seeing Danny MORGAN dead and I was trying to take the initial steps of learning about people involved in the murder investigation.*
>
> *'During our conversation I learned from Mr REES that neither Daniel MORGAN nor his wife had any close relatives living in London. I naturally assumed that John REES being the partner would have some close relationship with Mrs MORGAN. I asked him if he would tell her of her husband's death. He initially expressed reluctance but when I explained it would be better coming from him than from an unknown police officer he agreed. I sent both male and female officers with him to Mrs MORGAN's home address. What I considered important was that someone Mrs MORGAN knew was present when she was told of the death.'*[237]

142. A contemporaneous note of the meeting should have been made, to record information from the last person known to have been with Daniel Morgan before his murder. There is no contemporaneous evidence that Jonathan Rees was asked questions about his own movements that night. Jonathan Rees should have been asked about that night: any such information might subsequently have proved to be important, even if it were contradicted by subsequent evidence.

Jonathan Rees was, at the very least, a significant witness. The fact that no record was made of the conversation between Jonathan Rees and D/Supt Douglas Campbell at Catford Police Station was a grave failure on the part of D/Supt Campbell and DI Allan Jones.

3.2.2.2 The examination of Jonathan Rees's clothing at Catford Police Station

143. At some point either during or after the meeting at Catford Police Station with Jonathan Rees, DS Graham Frost was asked by DI Allan Jones to examine Jonathan Rees's clothing, including his trousers, shirt, raincoat and shoes.[238]

237 Witness statement – Civil Action, D/Supt Douglas Campbell, MPS037217001, p3, undated.
238 Witness statement of DS Graham Frost, MPS010726001B, 19 August 1987.

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144. DS Graham Frost had just returned from the murder scene. There is no evidence as to whether he took any steps to prevent cross-contamination of Jonathan Rees's clothing during his examination. He said that he conducted a visual examination only.[239] There is no description in DS Frost's witness statement of the clothes which he examined visually. The Morgan One Investigation failed to establish conclusively which clothes Jonathan Rees had been wearing earlier in the Golden Lion public house. There is no mention of Jonathan Rees's tie, scarf or the black gloves which he was said to have been wearing when he left the Golden Lion, and which he was said to have placed on the counter when he entered the police station that night.[240] After inspecting Jonathan Rees's clothing, DS Frost noted that there were no visible signs of blood-staining or splashing on his clothing.[241] In October 2020, former DS Frost informed the Panel that the oversuit, gloves and shoes worn during the examination of the murder scene were removed prior to entering the police station to examine Jonathan Rees's clothing. Former DS Frost also stated that aside from a visual examination, a chemical test was carried out on the legs of Jonathan Rees's trousers. There is no evidence of any such examination of Jonathan Rees's trousers.

145. In 1989, as part of the subsequent Hampshire/Police Complaints Authority Investigation, DCI Terence Farley reported that the Scenes of Crime Officer declared he, as well as DS Graham Frost, had been asked '*to look at this man's clothing to see if there was any blood splashing present. The clothing was looked at very carefully indeed and found to be as "clean as a whistle"*.'[242] DCI Farley also said that,

> *'whilst* [the Scenes of Crime Officer] *agreed the examination consisted of visual inspection only, the suspect had been asked to remove his shoes which were looked at carefully under a strong light. He agreed that they had only been asked to look at the partner's* [Jonathan Rees's] *clothing and that no-one had, as far as he was aware, asked if it was the same clothing as he had been wearing earlier that evening.'*[243]

146. During the Inquest, D/Supt Douglas Campbell was asked why Jonathan Rees's clothing was not sent for forensic examination to identify whether there were any invisible traces of blood.[244] D/Supt Campbell responded:

> *'There were two reasons. Initially, as I told you, within two or three hours of having been involved in this murder I did not consider Mr. Rees a suspect. Blood-staining or blood-splashing is clearly visible to an expert in that field and if Detective Sergeant Graham Frost had considered that there was a possibility of blood being found that he could not see with the naked eye then he might have suggested that it goes to the Metropolitan Police Laboratory. However, it is my experience that if you cannot see it with the naked eye it is very unlikely that the Metropolitan Police are going to find it in their laboratory.'*[245]

239 Witness statement of DS Graham Frost, MPS010726001B, 19 August 1987.
240 Witness statement of DC Kinley Davies, MPS029494001, p2, 07 July 1988.
241 Witness statement of DS Graham Frost, MPS010726001B, 19 August 1987.
242 Operation Drake – Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan at Sydenham, London SE26, on the 10 March 1987, MPS026869001, p21, 19 January 1989.
243 Operation Drake – enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan at Sydenham, London SE26, on the 10 March 1987, MPS026869001, p22, 19 January 1989.
244 Witness D/Supt Douglas Campbell, cross-examined by Mr J. Nutter, Inquest into the death of Daniel Morgan, Fourth Day, MPS022282001, p73, 14 April 1988.
245 Witness D/Supt Douglas Campbell, cross-examined by Mr J. Nutter, Inquest into the death of Daniel Morgan, Fourth Day, MPS022282001, p84, 14 April 1988.

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147. D/Supt Douglas Campbell was then asked whether it was '*general practice that if somebody has been very close to the scene of an incident* [...] *their clothes are taken off them and they are given a paper suit to wear whilst other clothes are brought to the police station*'. D/Supt Campbell replied that it was normally the case. He added that '*we do try to confine it to clothing that has visible signs of contamination*'.[246]

148. The Panel interviewed the forensic scientist, Philip Toates, who conducted forensic examination of items submitted to the Forensic Science Laboratory, about the visual examination of Jonathan Rees's clothing which occurred in the early hours of 11 March 1987. Records supplied to the Panel by Philip Toates indicate that on 06 May 1987 he spoke to DI Allan Jones, and the issue of Jonathan Rees's clothing was discussed. Philip Toates recorded that he was told, '*Rees' clothing was light coloured – hence blood excluded. Rees not himself injured.*'[247]

149. The Panel asked Philip Toates whether a visual examination as conducted by DS Graham Frost would have detected any possible sign of blood, and whether further tests could and should have been carried out. Philip Toates responded that small blood stains would not necessarily be visible to the naked eye. He explained that it would have been appropriate to examine the material by eye under good laboratory lights, a fibre-optic light and a low-powered microscope. Had there been any visible staining, tests could have been used to determine whether blood was present. Had the presence of blood been identified, attempts could subsequently have been made to group the blood.[248]

150. In a statement made to the Hampshire/Police Complaints Authority Investigation, a Police Constable from the Catford Crime Squad said that shortly after the murder of Daniel Morgan, when he and other officers were in Catford Crime Squad offices, DS Sidney Fillery had said that '*the investigation was a farce and he had told John REES to retain his clothing because it still had not been examined correctly*'.[249]

151. In evidence at the Inquest, D/Supt Douglas Campbell stated that, following the visual inspection of Jonathan Rees's clothing, the clothing was returned to Jonathan Rees.[250] However, there is no record in the Exhibits Book that it had ever been removed from him.

152. Dr Kathryn Mashiter, an independent expert in forensic science engaged by the Panel, commented on the examination of Jonathan Rees's clothing as follows:

i. The examination of Jonathan Rees's clothing on 11 March 1987 was superficial.

ii. There is no mention of Jonathan Rees being requested to remove his shoes and trousers.

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246 Witness D/Supt Douglas Campbell, cross-examined by Mr J. Nutter, inquest into the death of Daniel Morgan, Fourth Day, MPS022282001, p84, 14 April 1988.
247 Notes provided to the Panel by Philip Toates, 03 August 2016.
248 Panel interview of Philip Toates, 03 August 2016.
249 Witness statement of a Police Constable in the Catford Crime Squad, MPS034865001, p2, 17 October 1988.
250 Witness D/Supt Douglas Campbell, cross-examined by Mr J. Nutter, inquest into the death of Daniel Morgan, Fourth Day, MPS022282001, p84, 14 April 1988.

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iii. A quick visual examination would have been totally inadequate and the subsequent comment from D/Supt Douglas Campbell at the Inquest into Daniel Morgan's death that '*it is my experience that if you cannot see* [blood] *with the naked eye it is very unlikely that the Metropolitan Police are going to find it in their laboratory*' shows a lack of forensic knowledge one would not expect of an investigating officer of D/Supt Campbell's rank.

153. The visual search conducted would not necessarily have identified small blood splashes and other evidence which may have been present on Jonathan Rees's clothing. In addition, it would not necessarily have identified any fibres which may have been relevant to the investigation. Jonathan Rees's clothing (including his scarf, tie and gloves) and his shoes should have been examined by a forensic scientist. Not recovering Jonathan Rees's clothing and shoes for forensic analysis for blood marks was another significant failure of the Morgan One Investigation.

There is no record that any attempt was made to trace the scarf, shirt, tie or gloves which Jonathan Rees was wearing at the Golden Lion public house on the night of the murder, or to consider their submission for forensic examination.

154. After a meeting between D/Supt Douglas Campbell and DI Allan Jones, which was estimated by PC Laurence Hart to have lasted about 20-30 minutes, PC Hart told Jonathan Rees that he had telephoned DS Sidney Fillery and informed him that Daniel Morgan was dead, and that Jonathan Rees was in the police station. PC Hart said that DS Fillery had asked that Jonathan Rees telephone him, and he did so before leaving the police station.[251]

3.2.3 How Iris Morgan was informed about her husband's death

155. DC Kinley Davies, who was present at the meeting between D/Supt Douglas Campbell, DI Allan Jones and Jonathan Rees, stated that after the meeting, Jonathan Rees was asked by D/Supt Douglas Campbell to confirm Daniel Morgan's home address and whether his wife was at home.[252]

156. Jonathan Rees was then asked to inform Iris Morgan of her husband's death. DC Kinley Davies recalled Jonathan Rees '*pulled a face but agreed to do so*'.[253]

157. Jonathan Rees was then taken by PC Laurence Hart and DC Noel Cosgrave to Iris Morgan's house. Two of Iris Morgan's friends were contacted and accompanied the police officers and Jonathan Rees to Iris Morgan's home so that there would be someone known to Iris Morgan present when she was told the news.[254] One of those friends stated that this occurred at 2.30 am.[255]

158. Iris Morgan was informed about her husband's murder by DC Noel Cosgrave (see Chapter 12, The Treatment of the Family).[256]

251 Witness statement of PC Laurence Hart, MPS010875001, pp5-6, 17 December 1987.
252 Witness statement of DC Kinley Davies, MPS029494001, p2, 07 July 1988.
253 Witness statement of DC Kinley Davies, MPS029494001, p3, 07 July 1988.
254 Witness statement of DC Noel Cosgrave, MPS028067001, p2, 22 June 1988.
255 Witness statement of a neighbour of Iris Morgan, MPS010632001, p5, 22 April 1987.
256 Witness statement of DC Noel Cosgrave, MPS028067001, p2, 22 June 1988.

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159. The Panel has concerns regarding the conduct of the attending officers and the proposal that Jonathan Rees inform Iris Morgan about her husband's death. In fact, Jonathan Rees did not inform her, it was DC Noel Cosgrave. Those concerns are articulated in Chapter 12, The Treatment of the Family.

3.3 The establishment of the Major Incident Room and the murder investigation team: 11 March 1987

160. DS Malcolm Davidson stated that, having left the scene of Daniel Morgan's murder, he went to the Area Major Incident Pool offices at Catford Police Station at '*about 12 midnight*', to begin the process of finding premises for the enquiry and establishing the investigation team.[257] His responsibilities included establishing the Major Incident Room, ensuring its efficient operation, and obtaining personnel to staff both the Major Incident Room and the outside enquiry team (the officers whose main task is to conduct enquiries such as interviewing witnesses and carrying out searches).[258]

161. Accommodation for the Major Incident Room was located at Sydenham Police Station, less than a mile from the Golden Lion public house. The Major Incident Room was moved to St Mary Cray Police Station '*in the Autumn of 1987*' and in '*late 1988*' it was relocated again, this time to Southwark Police Station.[259]

162. Commander Alan Fry, the Metropolitan Police Commander responsible for the area in which Daniel Morgan was murdered, stated that on 11 March 1987 he '*went to the offices of the Area Major Investigation pool at Catford and personally determined the resources in manpower terms and the offices to be used as the Incident Room for* [the] *murder*'.[260]

3.3.1 The management team for the Morgan One Investigation

163. D/Supt Douglas Campbell was formally appointed as Senior Investigating Officer for the murder of Daniel Morgan, having been on call at the time of the murder (see paragraph 19x above).[261] D/Supt Campbell reported to DCS Douglas Shrubsole.

164. D/Supt Douglas Campbell had appointed DI Allan Jones as his Deputy Senior Investigating Officer for the investigation.[262]

165. DS Malcolm Davidson had been on call at the time of the murder, with D/Supt Douglas Campbell. As a Detective Sergeant assisting the Detective Superintendent, his primary role was to assume the function of '*Office Manager*' during major investigations,[263,264] and he became the Office Manager for the murder investigation. DS Davidson stated in 1988 that he had been

257 Witness statement of DS Malcolm Davidson, MPS010983001, p1, 18 April 1989.
258 Witness statement of D/Supt Douglas Campbell, MPS010915001, p1, 03 July 1989.
259 Witness statement of DS Malcolm Davidson, MPS010983001, p2, 18 April 1989.
260 Witness statement of Commander Alan Fry, MPS006092001, p1, 11 June 1990.
261 Witness statement of D/Supt Douglas Campbell, MPS010915001, 03 July 1989.
262 Witness statement of DI Allan Jones, MPS015298001, p1, 20 July 1989.
263 Witness statement of DS Malcolm Davidson, MPS010983001, p2, 18 April 1989.
264 Witness statement of D/Supt Douglas Campbell, MPS010915001, p1, 03 July 1989.

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a police officer for 30 years and a Criminal Investigation Department (CID) officer for more than 27 of those. He stated that he had performed the Office Manager role for the previous two and a half years and had 20 commendations for good police work.[265]

166. When the Panel interviewed former DS Malcolm Davidson, he gave an indication of the workload which he and D/Supt Douglas Campbell had experienced in the months prior to Daniel Morgan's murder. He said that, as far as he could remember, on Boxing Day 1986 there had been a murder in Peckham, in January 1987 there had been a stabbing in Deptford, and in February 1987 there had been a shooting of three people. He said that they had solved each of these crimes within a matter of weeks.[266]

167. The absence of any material relating to any kind of formal oversight process, as occurred in later investigations, indicates that, as was normal at the time, there was no formal oversight of the Morgan One Investigation other than normal line management processes.

3.3.1.1 The staffing of murder investigations in the Metropolitan Police in 1987

168. Specialist squads of detectives dedicated to dealing with murders and other serious crimes did not exist within the Metropolitan Police at the time of Daniel Morgan's murder, as was the case in most police forces in England and Wales. Negotiation with local commanders was required for the secondment of police officers from various divisions and departments to a murder investigation. Such commanders were very often reluctant to lose staff for indeterminate periods. A Senior Investigating Officer had little or no control over who was attached to an enquiry, and staff often had little training for, and limited experience of, investigating murder.

169. DI Allan Jones and DS Malcolm Davidson telephoned various stations within '3 Area', including Catford, in an attempt to secure staff.[267,268]

170. In interview with the Panel, former D/Supt Douglas Campbell said that staff had been allocated to him, and that he would not have expected local Detective Chief Inspectors to give their best officers.[269] Former DI Allan Jones, in an interview with the Panel in March 2015, said that the quality of some of the officers on the Morgan One Investigation was poor, and that many of them were young and inexperienced. He added that they were under considerable pressure during the investigation, and that they were often not capable of the task before them.[270] In a statement made in 1988, DS Malcolm Davidson stated that the enquiry had been '*given such staff as was available within the current commitments of the Metropolitan Police*'.[271]

3.3.2 The staffing of the Morgan One Investigation

171. The Major Incident Room became operational the morning after the murder, but it took some time for staff to arrive. A first briefing meeting was held by D/Supt Douglas Campbell in Sydenham Police Station at about 5.00pm on 11 March 1987.[272]

265 Witness statement of DS Malcolm Davidson, MPS010984001, p1, 21 December 1988.
266 Panel interview of former DS Malcolm Davidson, p5, 20 October 2015.
267 Witness statement of DI Allan Jones, MPS015298001, p2, 20 July 1989.
268 Witness statement of DS Malcolm Davidson, MPS035898001, p1, 20 May 1987.
269 Panel interview with former D/Supt Douglas Campbell, 11 February 2015.
270 Panel interview with former DI Allan Jones, 04 March 2015.
271 Witness statement of DS Malcolm Davidson, MPS010984001, p1, 21 December 1988.
272 Witness statement of the Detective Sergeant Assistant Office Manager, MPS018566001, 20 June 1989.

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172. Eight members of the '*Catford Crime Squad*',[273] which was commanded by DCI Ian Brown, were co-opted onto the murder investigation team on 11 March 1987. They included the leaders of the squad, DS Sidney Fillery and PS Phillip Barrett, the latter of whom had joined the Catford Crime Squad two days previously.[274] They worked on the investigation for five days.

173. The Catford Crime Squad consisted of a mixed group of detectives and uniformed officers who provided initial support in serious cases and had previously been assisting a murder investigation based at Sydenham Police Station. Their role on that investigation had concluded on 09 March 1987. They were transferred directly from that investigation to the Morgan One Investigation at the request of DS Malcolm Davidson and on the authority of D/ Supt Douglas Campbell.[275]

174. A decision was made by D/Supt Douglas Campbell to return DS Sidney Fillery and the Catford Crime Squad officers to normal duties on 16 March 1987. The reason for the decision was recorded as being '*D.S. FILLERY too closely associated with John REES. Force policy only to employ Crime Squad on initial enquiries.*'[276] (The removal of DS Fillery is discussed in more detail in paragraphs 474-484 below.)

175. At the beginning of the investigation, a team of 26 officers formed the outside enquiry team.[277] In addition, other officers were allocated to roles within the Major Incident Room.[278,279] There were regular changes to the resourcing of the investigation, in response to fluctuations in incoming information and consequential changes in the need for staff. [280,281]

176. A number of the officers who had responded to the report of the discovery of Daniel Morgan's body, and who had attended the scene, were co-opted onto the enquiry at the beginning. These included officers from all three stations within Catford Division: Catford Police Station, Sydenham Police Station and Lee Road Police Station.[282,283]

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273 Appendix C: Schedule of Officers on Catford crime squad 1987, MPS020654001, p1-4, 1987: The officers were DS Sidney Fillery and PS Phillip Barrett who were in charge of the squad, WPC Maureen Fentiman, PC Stephen Thorogood, Police Officer N21, and three more Police Constables.

274 Metropolitan Police General Orders and Regulations, Section 2, para 8 (edition 13/84) defined the role of these units: '*A Divisional Crime Squad, staffed by CID and uniform personnel, will operate on each Division, under the control of the Chief Superintendent in charge of the Division. Working in liaison with the R.C.S., C.8 and C.11, the squad will have the following objectives:-*
To concentrate on serious crime, and selected criminals.
To assist major investigations, particularly when the initial stages are crucial.
To conduct protracted observations.
To gain, analyse and act upon intelligence and information regarding local criminals.
To act as a concentrated training ground for young officers in the field of criminal investigation.'

275 Witness statement of DS Malcolm Davidson, MPS035898001, p1, 20 May 1987.

276 Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p4, 11 March 1987 to 07 February 1989.

277 Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p1, 11 March 1987 to 07 February 1989.

278 Receivers are those who first receive and read all documentation entering the major incident room and ensure that actions have been completed.

279 Indexers are those who index the contents of documents and cross reference them with other documents in the main index.

280 Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, 11 March 1987 to 07 February 1989.

281 From 10 August 1987 D/Supt Douglas Campbell returned four officers to normal duties because there was insufficient information coming into the Incident Room to keep those officers fully employed. On 15 September 1987 he decided to increase his squad by two officers because of an increase in actions. On 04 January 1988 an officer was transferred out of the squad and on 21 January 1988 he reduced the squad by two officers because of a reduction in workload and *Officers also required for major incident ...elsewhere.* On 29 September he reduced the squad again by two officers because of a reduction in workload. On 25 April 1988 an indexer was transferred *required on MD incident.*

282 Witness statement of DC Noel Cosgrave, MPS028067001, p1, 22 June 1988.

283 Witness statement of DC Julie Benfield, MPS028063001, p1, 20 September 1988.

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3.3.3 Administrative procedures and the computerised investigation system

177. The Morgan One Investigation proved to be a complex murder investigation. Records show that by the end of his investigation D/Supt Douglas Campbell stated that '*some 1,560 Actions have been created, from which 680 statements have been taken. Countless other persons have been interviewed, and 687 messages have been recorded.*'[284]

178. A requirement to maintain a policy file of reasoned decisions made during a murder investigation had existed since 1981, under the Major Incident Room Standardised Administrative Procedures.[285] There is a very brief typed policy file for the investigation, bearing D/Supt Douglas Campbell's signature. It contained 34 policy decisions made between 11 March 1987 and 07 February 1989.[286] The Panel has found no evidence that this policy file was consistently used by D/Supt Campbell to record his decisions in the investigation. Many decisions were made which were not recorded. PS John Riddell of Hampshire Constabulary reported to the subsequent Hampshire/Police Complaints Authority Investigation that D/Supt Campbell had not maintained a policy file or at least not maintained it in a contemporaneous way.[287] The Panel interviewed former D/Supt Campbell in February 2015. He commented that, at the time of Daniel Morgan's murder, the systems and processes involved in recording a murder investigation were changing. He stated that, as far as he could recall, the use of policy files for recording decisions made on investigations was '*a relatively new practice*'.[288]

179. On 11 March 1987, D/Supt Douglas Campbell made a written request to the Technical Support Branch of the Metropolitan Police for a computer, on the grounds that it was anticipated that the investigation would be '*complex and protracted*'.[289] The use of computers to assist in major investigations was a relatively new practice in 1987, and former D/Supt Campbell told the Panel in interview that this had been the first time he had used one in a murder enquiry.[290] The computer system which was provided (the MICA system) had only indexing and word-processing facilities. The absence of a document or investigative 'action' management facility (an action was a task allocated to a police officer in the course of an investigation) meant that, during the investigation, the allocation of investigative actions and the numbering of documentation could only be undertaken manually.

180. Former DS Malcolm Davidson also told the Panel that he had not previously used the MICA system and had had no experience whatsoever with computers. He said that he completed a very short training course of two to three days, during which he was shown the new national forms which were being introduced into Major Incident Rooms and was given a brief overview of the new computer system, but he had no instruction on the use or management of computers. Although the computer was used during the investigation, he did not personally access it.[291] He explained that there had been only four terminals in the Morgan One Investigation Major Incident Room, and that those were used by the team of four indexers. Former DS Davidson said that he trusted the indexers with what they entered onto the computer. He said that they were competent as far as he was aware.[292]

284 Murder Report by D/Supt Douglas Campbell, MPS015359001, p3, 22 January 1988.
285 Major Incident Room Standardised Administrative Procedures 1981.
286 Policy File for the Case of Daniel Morgan, MPS004821001, 11 March 1987 to 07 February 1989.
287 Officers Report R1 by PS John Riddell, MPS024055001, p2, 28 July 1988.
288 Panel interview with former D/Supt Douglas Campbell, p2, 11 February 2015.
289 Officers Report, D/Supt Douglas Campbell, MPS011077001, p2, 11 March 1987. The system in use in the Metropolitan Police and several other police forces at the time was called MICA, although this was in the process of being replaced by a system called HOLMES, which is still in use today.
290 Panel interview with former D/Supt Douglas Campbell, p2, 11 February 2015.
291 Panel interview with former DS Malcolm Davidson, p2, 20 October 2015.
292 Panel interview with former DS Malcolm Davidson, p2, 20 October 2015.

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181. In 1986 the Major Incident Room Standardised Administrative Procedures had been amended, after four years of deliberation and consultation by the Crime Committee of the Association of Chief Police Officers (then the national policy-making body for policing in England, Wales and Northern Ireland). The working party which had drafted the procedures had included a senior Metropolitan Police officer, Commander Leonard Gillert. They had been initially drafted in 1983 and amended in 1986. Their purpose '*was to aid and improve the efficiency of the organisation and the administration of an Incident Room and to offer better information retrieval capabilities than those offered by the traditional card index system*'. However, the extent to which the Metropolitan Police had adopted the procedures at the time of Daniel Morgan's murder cannot be confirmed by the Metropolitan Police. If they had not adopted them, then it is clear that they should have done, since they represented and articulated guidance by skilled professionals on the procedures to be used during a murder investigation.

182. The Panel asked former DS Malcolm Davidson about his management of the investigation. He explained that the Morgan One Investigation was something of a '*hybrid enquiry*'.[293] It was the start of a new system in that a computer was used, but the investigation was heavily reliant on the old card index system.[294] Former DS Davidson gave the Panel the impression that the investigation was approached in a traditional manner;[295] there was a sense that DS Davidson and D/Supt Douglas Campbell viewed the use of the card index approach to this murder as normal.

183. DS Malcolm Davidson used a card index system to run the investigation, although he said that everything which would have been put on a card index also went into the computer. He retained hard copies of all papers in case the computer failed, but he did not keep the card indexes. He had a pad for investigative actions, which had self-carbonating sheets, producing three copies. The top copy of the investigative action was issued to the police officer, a copy went to D/Supt Douglas Campbell, and the bottom one remained with DS Davidson. Completed actions were kept in a clip binder for storage. Those action sheets available have been examined by the Panel.

184. When questioned about how he had ensured that cards from the card index system did not go missing during the investigation, former DS Malcolm Davidson stated that this did not happen during the Morgan One Investigation as he knew this could be a problem and '*was on top of it*'.[296]

185. The card indexes, which would have informed the Panel about the investigation, were not available for the Panel to review as they had not been retained. Although former DS Malcolm Davidson said that all the information went onto the computer, he did not oversee or check it, and it is now impossible to state whether all the information on the cards was transferred to the computer. The original cards formed an important record of the investigation and should have been retained.

293 Panel interview with former DS Malcolm Davidson, p6, 20 October 2015.

294 *'The system of card indexing was later replaced by the Home Office Large Major Enquiry System (HOLMES)'*, Association of Chief Police Officers Overview of Police Information Management, p35,17 December 2012.

295 Panel interview with former DS Malcolm Davidson, p6, 20 October 2015.

296 Panel interview with former DS Malcolm Davidson, p3, 20 October 2015.

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186. When interviewed by the Panel,[297] former DS Malcolm Davidson explained that he managed the investigation actions using a very large white board fixed to the wall, on which he recorded the names of officers and the investigative action numbers allocated to each officer, so that he could see to whom investigative actions had been allocated, which officers were overworked and which were underworked. Those investigative actions which were not progressed quickly enough were circled in red, and those which had been completed had a green line put through them. When completed actions became *'old'* they were wiped off the board. Other information, such as which officers were on leave or at court for example, was also displayed on the board.

187. The Panel has not identified any records or minutes of daily briefings for the entirety of the Morgan One Investigation.

188. The Morgan One Investigation papers also reveal references to office meetings being held, as one would expect in a complex murder investigation. However, no notes of any such meetings have been disclosed to the Panel, suggesting that notes were either not taken, lost or destroyed.

189. Some police notebooks were located, but the overwhelming majority of officers' notebooks cannot now be found. Such notebooks are one of the major primary sources of contemporaneous information on investigative activities. There was at that time no requirement to retain notebooks (as is now the case). Some copies of notebook entries were found among the papers relating to a later civil action by two officers, DC Alan Purvis and DC Peter Foley, against the Metropolitan Police Commissioner (see paragraphs 627-633).

190. Police officers now routinely make statements regarding the actions they take during investigations, so that the information can be admitted as evidence. At the time of the Morgan One Investigation, information would normally have been recorded in a notebook until a statement was requested by a more senior officer. Statements were not requested at the time from many of the officers attending the crime scene and participating in the murder investigation; or they were requested and made very much later, in some cases, years later.

191. The Metropolitan Police should have retained all records relating to this unsolved murder investigation. The failure to do so was a grave impediment to future investigations.

297 Panel interview with former DS Malcolm Davidson, pp3-4, 20 October 2015.

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192. D/Supt Douglas Campbell correctly recognised the need for computer management of this complex murder investigation. DS Malcolm Davidson did not access the computer at all, and there was no supervision of what was entered into the MICA system or of how it was handled. Neither the Office Manager, the Deputy Senior Investigating Officer nor Senior Investigating Officer made any use of it. They did not therefore gain the benefit of using the computer system. In addition to this, the content of the card index system used by the Office Manager is no longer available, with the result that there is a limit to the extent to which contemporaneous actions can be identified.

193. The Morgan One Investigation papers, and access to the data from the MICA computer system, were not made available to the Panel until January 2015, some 16 months after the start of the Panel's work. They were disclosed in a significant state of disarray. The quality of record-keeping was poor, and the content of existing records often inadequate.

194. The Panel has been unable to attribute ultimate responsibility for the lack of availability of material. At least seven teams of police officers have had access to, or full custodianship of, this material. These were: the Morgan One Investigation, the Hampshire/Police Complaints Investigation, Operation Nigeria/Two Bridges, the 2000 Murder Review, the Abelard One/Morgan Two Investigation, those responsible for the 2006 Report, and the Abelard Two Investigation. The Panel has, therefore, had to rely upon documentary evidence arising from subsequent police investigations, from the Inquest into Daniel Morgan's death, and from its own interviews, in order to build a coherent understanding of events prior to Daniel Morgan's murder, and the police activities which followed.

3.3.4 Roles within the investigation team

195. The Major Incident Room Standardised Administrative Procedures prescribed the functions and set out the job descriptions of each role in a Major Incident Room, from the Senior Investigating Officer to indexers, telephonists and clerks, and prescribed the way in which documents should be processed. The system was flexible and allowed for the size of the team to vary from one investigation to another. It allowed one person to take on several roles, or for one role to be taken by more than one person, depending on the size of the enquiry, the amount of documentation to be processed and the volume of enquiries. However, the document also stated that '[g]*ood management will ensure that a correct staff level is maintained to enable documentation to be processed efficiently*'.[298]

196. The allocation of roles within a Major Incident Room is important, to ensure clarity as to who should do what with all the information coming into an investigation and to ensure that necessary investigative actions are performed.

298 Association of Chief Police Officers Crime Committee, Major Incident Room Standardised Administrative Procedures 1986, Ch. 4, p14. The procedures are still in force and at the time of writing the latest version, which had changed little in substance from the original, was issued in 2005 by the National Centre for Policing Excellence.

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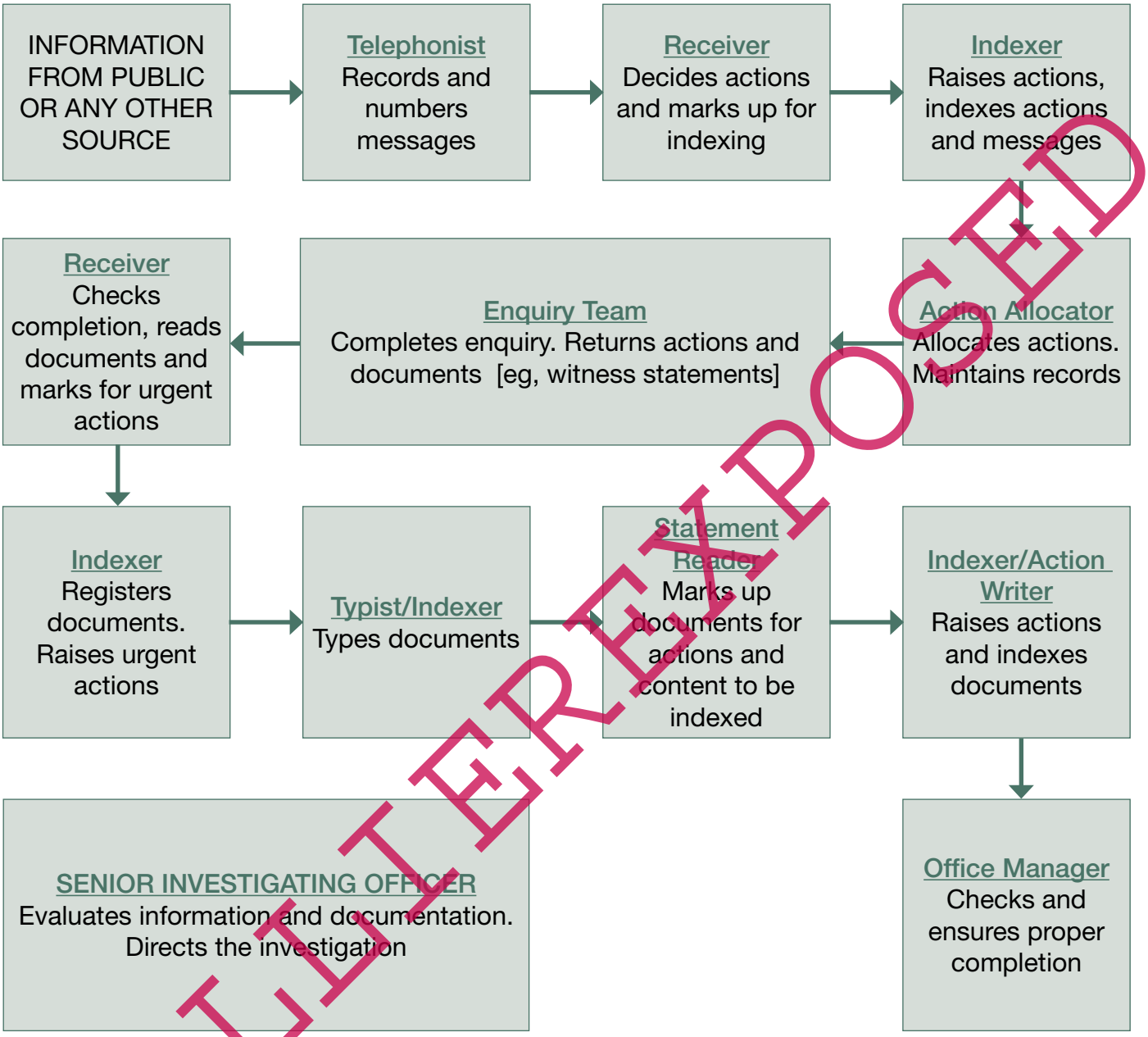
197. Major Incident Room roles and document flow chart:[299]


INFORMATION FROM PUBLIC OR ANY OTHER SOURCE
Telephonist
Records and numbers messages
Receiver
Decides actions and marks up for indexing
Indexer
Raises actions, indexes actions and messages
Receiver
Checks completion, reads documents and marks for urgent actions
Enquiry Team
Completes enquiry. Returns actions and documents [eg, witness statements]
Action Allocator
Allocates actions. Maintains records
Indexer
Registers documents. Raises urgent actions
Typist/Indexer
Types documents
Statement Reader
Marks up documents for actions and content to be indexed
Indexer/Action Writer
Raises actions and indexes documents
SENIOR INVESTIGATING OFFICER
Evaluates information and documentation. Directs the investigation
Office Manager
Checks and ensures proper completion

198. During the Morgan One Investigation there was limited allocation of roles and DS Malcolm Davidson filled many roles at different times during the investigation. The records show the following:

i. DS Malcolm Davidson was the Office Manager;[300]

ii. Another Detective Sergeant filled the role of Assistant Office Manager until 29 February 1988;[301]

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299 Major Incident Room Standardised Administrative Procedures, 1986.
300 Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, 11 March 1987 to 07 February 1989.
301 Witness statement of the Detective Sergeant Assistant Office Manager, MPS018566001, p1-4, 20 June 1989.

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iii. DC Paul Lombard was described as the '*Receiver*'.[302] However, even though DC Lombard recorded working in the incident room with DS Malcolm Davidson and the Assistant Office Manager, and later being involved in outside enquiries, there is no other reference to him acting as the Receiver.[303] DC Lombard left the Morgan One Investigation on 29 February 1988;[304]

iv. There were too few staff to allocate roles properly, and at different times DS Malcolm Davidson performed the roles of Receiver, Statement Reader, Action Manager and Office Manager, but he did not use the computer;[305]

v. Four officers[306,307,308,309] performed the role of '*indexer*';[310]

vi. No one else was ever appointed to perform the Action Allocator, Statement Reader or Administration Officer roles;

vii. The Exhibits Officer was DC Clive Blake from the Criminal Investigation Department (CID) in Penge. It was the first time that he had performed the role of Exhibits Officer on a major enquiry. He had no training in exhibit handling beyond his probationer training, which had occurred seven years previously, and had only basic detective training. He stated that he was Exhibits Officer until he was transferred away in '*about February 1988*',[311] although records show that he left the investigation on 30 May 1988.[312] There is little evidence that DC Clive Blake was properly managed as Exhibits Officer by DS Malcolm Davidson (see paragraph 1013-1026 below); and

viii. WDS Christine Fowles, who was stationed at Peckham, became the primary police contact for Daniel Morgan's wife, Iris Morgan.[313] DC Richard Davis, also based at Peckham, was assigned to work with WDS Fowles, and he stated that they were given the task of '*looking after*' Iris Morgan and the immediate family, including Alastair Morgan.[314] The effectiveness of police liaison with family members is assessed in more detail in Chapter 12, The Treatment of the Family.

199. Former DS Malcolm Davidson told the Panel that, as Office Manager, he saw all the documents, and detectives would bring their completed work to him; statements were read by him or by D/Supt Douglas Campbell, and they would individually raise investigative actions manually, sometimes retrospectively: for example, when an officer had visited someone's house to carry out an interview and another person had been there who provided information to the investigation.[315]

302 The officer who first receives and reads all documentation entering the MIR and ensures that actions have been completed. Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p1, 11 March 1987 to 07 February 1989.
303 Witness statement of DC Paul Lombard, MPS018552001, 07 June 1989.
304 Policy File for the Case of Daniel Morgan (Morgan One Investigation), Decision 22, MPS004821001, p23, 11 March 1987 to 07 February 1989.
305 Panel interview with former DS Malcolm Davidson, pp2-3, paras 9 and 14, 20 October 2015.
306 Witness statement of a Police Constable, MPS003359001, p1, 28 July 1988.
307 Decision 24 of Policy File for the Case of Daniel MORGAN (Morgan One Investigation), MPS004821001, p25, 25 April 1988.
308 Witness statement of a Police Constable, MPS018564001, p1, 20 June 1989.
309 Witness statement of a Police Constable, MPS018557001, p1, 13 June 1989.
310 Those who index the contents of documents and cross reference them with other documents in the main index.
311 Witness statement of DC Clive Blake, MPS024163001, p1, 27 June 1989.
312 Policy File for the Case of Daniel Morgan (Morgan One Investigation), Decision 26, MPS004821001, p27, 11 March 1987 to 07 February 1989.
313 Witness statement of WDS Christine Fowles, MPS011066001, p1-2, 05 July 1989.
314 Witness statement of DC Richard Davis, MPS018561001, p1-2, 06 June 1989.
315 Panel interview with former DS Malcolm Davidson, 20 October 2015.

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200. A report prepared by PS John Riddell in July 1988 for the subsequent Hampshire/ Police Complaints Authority Investigation articulated the implications of the administrative arrangements in the Major Incident Room:

> *'Whilst I am prepared to accept that DS DAVIDSON is probably a very experienced Detective Officer the singular approach to reading is very much against the advice of the ACPO* [Association of Chief Police Officers] *Crime Committee and contrary to the "Major Investigation Incident Room Standardised Administrative procedure" publications. The initial circumstances of the Morgan Murder clearly dictated that a better organisation within the incident room was required & certainly this enquiry ignored advice & direction of the ACPO crime committee.*[316]
>
> *'The reliance upon one officer, of whatever quality, to undertake the many functions dealt with by DS DAVIDSON, is best described as "A recipe for disaster." The quality of any enquiry can lie with the detective ability of the incident room "readers", who, working within the policies of the S.I.O.* [Senior Investigating Officer]*, identify & originate lines of enquiry. The nationally accepted procedures are designed to incorporate safeguards whereby even the office managers reading & supervision of documentation in its final stage should allow total satisfaction for to* [sic] *the S.I.O that no aspect of the enquiry has been overlooked.'*[317]

201. As a consequence of merging several roles within the Major Incident Room and assigning many roles to DS Malcolm Davidson, the Office Manager, documents were frequently examined only by him rather than being subjected to several layers of scrutiny, which should have ensured that nothing was missed.

202. The procedures adopted in 1986, which provided for different officers performing different and complementary roles should have ensured a quality assurance mechanism that did not exist during the investigation of Daniel Morgan's murder. The incident room was not compliant with the Major Incident Room Standardised Administrative Procedures at the time. It should have been.

203. The investigation into Daniel Morgan's murder became complex. The absence of some records, failure to keep proper records on other occasions, and the failure to ensure that all police officers completing investigative actions made the necessary records of what they had done, either by way of completing the investigation action sheet, making any necessary statement, recording a note of what happened in each meeting or in any other appropriate way, made it difficult to establish what happened and when, and by whom actions were taken.

316 Association of Chief Police Officers (ACPO) had the role of developing national police policy prior to its abolition in April 2015.
317 Officers Report by PS John Riddell, MPS024055001, p2-3, 28 July 1988.

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204. A great number of the shortcomings identified in the establishment and administration of the Major Incident Room were organisational. They stemmed from the way in which murder investigations within the Metropolitan Police were structured and staffed in 1987, a lack of familiarity with the national procedures introduced in 1981 and a lack of training to ensure effective implementation of procedural changes.[318] The Metropolitan Police is accountable for the way in which this investigation was resourced and managed. Nevertheless, the ultimate responsibility for the conduct of the investigation lay with the Senior Investigating Officer, D/Supt Douglas Campbell.

4 The ensuing days: first lines of enquiry

205. The Morgan One Investigation had established that Daniel Morgan had been killed with an axe between approximately 9.00 pm and 9.40 pm. No eye-witnesses to the murder had been identified.

4.1 The search of Daniel Morgan's desk at Southern Investigations

206. Sometime between 8.00 am[319] and 11.00 am[320] on 11 March 1987, DS Sidney Fillery and PC Stephen Thorogood, acting on instructions, went to the Southern Investigations offices and searched Daniel Morgan's desk.[321] The specific instructions they were given before they went were not available to the Panel.

207. The paperwork which recorded the instruction for DS Sidney Fillery to search Daniel Morgan's desk on 11 March 1987 was not created until 14 March 1987, and required him to bring '*all contents and other personal effects*' to Sydenham Police Station.[322] The response, recorded on 15 March 1987 by DS Fillery, was '*RELEVANT contents seized 120387* [sic] *and produced and* [sic] *described in statement of William* [Jonathan] *REES*[.] *Other documentation left at desk pending further examination*'[323] [emphasis in original].

208. The reference to 12 March 1987 in DS Sidney Fillery's reply is assumed by the Panel to be a mistake because the statement taken by DS Fillery from Jonathan Rees listing the items removed was dated 11 March 1987.[324]

209. DS Sidney Fillery provided no other information on the search of Southern Investigations office on 11 March 1987 in his statements to the Morgan One or the Hampshire/Police Complaints Authority investigations.[325] However, DS Fillery answered questions put to him during later interviews, including describing the process as follows: '*All the documents and*

318 Innes, Martin 2003. Investigating murder: detective work and the police response to criminal homicide. Clarendon Studies in Criminology, Oxford: Oxford University Press.
319 Witness statement of PC Stephen Thorogood, MPS015791001, p1-2, 19 May 1987.
320 Duty sheet of DS Sidney Fillery 10-15 March 1987, MPS038918001.
321 Witness statement of PC Stephen Thorogood, MPS015791001, p1-3, 19 May 1987.
322 Action 145 to attend Southern Investigations and clear Daniel Morgan's desk and bring all contents and personal effects to police station, allocated to DS Sidney Fillery on 14 March 1987; returned 15 March 1987 (The office was searched on 11 March 1987, three days before the Action was raised; this practice was not unusual within the early days of a murder investigation when detectives were carrying out enquiries quicker than the staff in the Major Incident Room can raise Actions to carry out the tasks), MPS013208001.
323 Action 145 to collect contents of victim's desk from his office, allocated 14 March 1987, returned 15 March 1987, MPS013208001.
324 Witness statement of Jonathan Rees, MPS021752001, 11 March 1987.
325 Witness statement of DS Sidney Fillery, MPS010358001, p1, 09 February 1989.

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books were put into a black plastic bag and taken to Catford and I had took them out of the bag, or REECE [sic] *did, in the Crime Squad office and I listed them and put exhibit labels on them with WJR* [a reference to Jonathan Rees] *numbers as they were pulled out in the body of John REECE's* [sic] *statement*.'[326]

210. Jonathan Rees said in his witness statement dated 11 March 1987 that, on 11 March 1987, he '*handed to Police certain documentation from Daniel's desk at the office*'.[327] That documentation was described as a blotter pad, five telephone books, desk diaries for 1984 and 1987, a job number book and a telephone message book. Jonathan Rees did not record handing over any files to police. Jonathan Rees also said: '*I have caused the telephone message book to be examined and on certain pages which are "flagged" there are messages relating to threatening telephone calls received into our office against Daniel.*'[328]

211. In a witness statement dated 31 March 1987, PC Stephen Thorogood recorded that on 11 March 1987 he '*went with D/S FILLERY to MORGAN'S office* […] *where we collected a number of diaries and correspondence which was later handed to the incident room*'.[329]

212. On 19 May 1987, PC Stephen Thorogood provided a witness statement recalling that, on 11 March 1987:

> *'D/S FILLERY directed me to what I discovered was MORGAN's desk, and instructed me to collect up any correspondence on which MORGAN had written on. I removed from the desk, three or four diaries, these were both current and out of date issued. The desk blotter, loose sheets of paper, a couple of personal telephone books. While I was searching the desk, D/S FILLERY was in conversation with REES and some of the other employees. The search took me about ten minutes, I went through the drawers and that is where I removed the items from. On the desk top there was very little, apart from the blotter. I did not recall removing any files or any documents which were not personal to MORGAN. On completion of the search, I informed D/S FILLERY and John REES accompanied us. I put the small amount of property taken under my arm, D/S FILLERY removed nothing, REES had nothing with him. I placed the property in the boot of the police car, REES got in the rear and D/S FILLERY got into the passenger seat at the front. I then drove straight to Catford Police Station.'*[330]

213. PC Stephen Thorogood said that on arrival at Catford Police Station:

> *'I removed the property from the boot and took it to the Crime Squad office. I was accompanied by FILLERY and REES. The property was placed on the top of a cabinet. D/S FILLERY took John REES into his office and proceeded to take a statement from him. I then assisted another PC,* [Police Officer N21] *with some other property. Later that day I took the property that had been removed from MORGAN's office to the Incident Room at Sydenham. The reason the property had been taken to Catford was that at that time no Incident Room had been set up and it was not until the afternoon of the 11th March that Sydenham was used.*

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326 Interview of DS Sidney Fillery, MPS003214001, p6, 03 April 1987
327 Witness statement of Jonathan Rees, MPS021752001, p10, 11 March 1987.
328 Witness statement of Jonathan Rees, MPS021752001, p11, 11 March 1987.
329 Witness statement of PC Stephen Thorogood, MPS010580001, p1, 31 March 1987.
330 Witness statement of PC Stephen Thorogood, MPS015791001, p1-2, 19 May 1987.

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I did not inspect the property I conveyed to Sydenham, it was in a black bin liner and I am unable to say whether it contained all of the property removed from MORGAN's office. I do not recall who I handed the property to at Sydenham. As far as I can swear the property was not entered in any books at Sydenham or Catford.'[331,332]

214. It is not possible from the material available to the Panel to identify exactly what may have been collected from Daniel Morgan's office on 11 March 1987, or what was left on Daniel Morgan's desk. The documents which had been retrieved should have been itemised by the police officer who had removed them.

215. DS Sidney Fillery was an experienced Sergeant in charge of a Crime Squad. There is no explanation in the papers available to the Panel as to why this evidence was not properly handled.

The consequence of the way in which the search was conducted under the leadership of DS Fillery on 11 March 1987 was that anyone who wished subsequently to remove anything which had been left behind on the desk had the opportunity so to do. It is not known whether anything was subsequently removed.

216. This account of the collection of material from the office of Southern Investigations deviates in a number of ways from the prescribed police procedures for gathering, recording and safeguarding evidence. In particular, evidence in the murder investigation should not have been left unattended in the Catford Crime Squad office. There is no statement recording that this room was locked or inaccessible, and there is no record of the handling of these items. At some stage they were put into a black bin liner. It is not clear when or by whom this was done.[333] They were then transported in the black bin liner to Sydenham Police Station.

217. There was ample opportunity for material to be interfered with, removed or destroyed during this phase of the investigation when the material was left in Catford Police Station, as there was no evidence that it had been secured to maintain the integrity of the evidence.

4.1.1 Missing files

218. In a witness statement dated 30 March 1987, Peter Newby, the Office Manager at Southern Investigations, was asked by the Morgan One Investigation about his knowledge of '*the robbery on John REECE* [sic] *of monies being transported by him for the firm of Belmont*

331 Witness statement of PC Stephen Thorogood, MPS015791001, p2-3, 19 May 1987.
332 PC Thorogood's duty record does not place him at Southern Investigations on 11 March 1987.
333 Copy of Exhibits Book (Exhibits 22-33, re Southern Investigations), MPS005098001, 11 March 1987.

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Car Auction'.[334] This was a significant line of enquiry the murder investigation was pursuing. As part of this statement, Peter Newby said that on 11 March 1987, DS Sidney Fillery and '*a Crime Squad Officer*' had attended the Southern Investigations offices. DS Fillery had asked Peter Newby for '*the Belmont Auction file*' and a file relating to one of Daniel Morgan's matrimonial cases.[335] Jonathan Rees, in his statement taken by DS Fillery later the same day, named the woman involved in the matrimonial case as one of four women with whom Daniel Morgan had allegedly had an affair.[336] Peter Newby claimed that having looked up the location of the Belmont Car Auctions file, which was numbered 4208, he had retrieved the matrimonial file and Jonathan Rees retrieved the Belmont Car Auctions file. Both files were handed to DS Fillery and to Peter Newby's knowledge neither had been returned to the office by 30 March 1987.[337]

219. The Belmont Car Auctions file, which Peter Newby alleged DS Sidney Fillery took from Southern Investigations offices, was to become very significant to the Morgan One Investigation. D/Supt Douglas Campbell came to believe that security provided by Southern Investigations for Belmont Car Auctions, a subsequent alleged robbery of the takings of an auction from Jonathan Rees and the ensuing civil action by Belmont Car Auctions against Southern Investigations, provided a motive for Daniel Morgan's murder. D/Supt Campbell therefore tried to investigate Peter Newby's statement that DS Fillery had taken a file relating to Belmont Car Auctions on 11 March 1987.

220. Peter Newby had identified the file number of the Belmont Car Auctions file which he said Jonathan Rees had handed to DS Sidney Fillery. There is no further information about this file, other than that it cannot, and could not at the time, be found having been allegedly taken away by DS Fillery.

221. Jonathan Rees's witness statement of 11 March 1987 does not mention the two files, the Belmont Car Auctions file or the matrimonial case file, which Peter Newby alleged were removed from the office on that day.[338]

222. The Panel notes that, despite the evidence of Peter Newby, the Morgan One Exhibits Book records the matrimonial file as having been provided by Peter Newby on 30 March 1987, the same date as he made the statement about it having been handed to DS Fillery on 11 March 1987.[339] There is no corresponding record for a Belmont Car Auctions file. However, as considered in detail later (see paragraphs 966-973), the Panel has serious concerns about the accuracy of the Morgan One Investigation Exhibit Book.

223. Jonathan Rees was arrested for murder on 03 April 1987 and was asked about the Belmont Car Auctions file during his police interview the same day. He denied that Peter Newby had given '*a Belmont file*' to DS Sidney Fillery, saying:

> *'Peter NEWBY could not have given the file to anyone as it doesn't exist, except for part of the litigation document that I maintain and are still in my possession.'*[340]

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334 Witness statement of Peter Newby, MPS010345001, p1, 30 March 1987
335 Witness statement of Peter Newby, MPS010345001, pp4-5, 30 March 1987.
336 Witness statement of Jonathan Rees, MPS021752001, p4, 11 March 1987.
337 Witness statement of Peter Newby, MPS031296001, pp3-4, 30 March 1987.
338 Document D500 – List of Exhibits, MPS011614001, undated.
339 Exhibits Book, MPS005800001, pp32-33, 30 March 1987. Witness statement of DC Clive Blake, MPS028077001, p2, 07 June 1988.
340 Record of interview of Jonathan Rees, MPS000716001, p78, 03 April 1987.

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224. Jonathan Rees was told that, that day Peter Newby had been shown the file on Belmont Car Auctions which had been in Jonathan Rees's briefcase, and had said that there was another file on the matter which was no longer on the premises of Southern Investigations. Jonathan Rees said this was *'utter and complete nonsense'.*[341]

225. Jonathan Rees was also told that Peter Newby had said that the Belmont Car Auctions file was numbered 4208. Jonathan Rees said that this '*number in the booking in book would relate to the date we received the instructions, the date completed and the invoice number*'. Jonathan Rees was not asked to explain further what he meant.[342]

226. DS Sidney Fillery and PC Stephen Thorogood were asked about the issue by the Morgan One investigation. DS Fillery was questioned about this issue after his arrest on 03 April 1987, to which he responded that he had never had possession of the Belmont Car Auctions file, and to have tried to destroy it would have been futile as there would have been countless copies of it.[343] PC Thorogood stated on 19 May 1987, '*I did not recall removing any files or any documents which were not personal to Morgan*', and that, '*D/S FILLERY removed nothing*'.[344]

227. D/Supt Douglas Campbell gathered papers relating to the Belmont Car Auctions, by asking the solicitors for both parties in the Belmont Car Auctions civil action for copies of the material which they held. On 30 March 1987 D/Supt Douglas Campbell was provided with some paperwork related to the civil action by the solicitors for Belmont Car Auctions.[345]

228. On 03 April 1987, the solicitors acting for Southern Investigations provided DI Allan Jones with a copy of the pleadings in the case, stating: '*These documents are released to you upon the instructions of our Client, Mr. W.T. Rees* [sic] *trading as Southern Investigations) and we are instructed to inform you that any documents or information that you may require in respect of the above action will be available to you at your request*' [emphasis in original].[346]

229. On 16 November 1987, D/Supt Douglas Campbell wrote to the solicitors acting for Belmont Car Auctions seeking further copies of documents.[347] On 24 November 1987, the solicitors provided the relevant documents which included a security report written by Jonathan Rees for Belmont Car Auctions in 1986; Southern Investigations' costings for '*night security officers*' dated 07 March 1986; Southern Investigations' invoices dated 08 March 1986 and 14 March 1986; a summary of cash handled by Southern Investigations; and a Southern Investigations' prospectus. They also provided a copy of the Grant of Administration for Daniel Morgan's estate.[348]

230. On 14 January 1988, Jonathan Rees informed the solicitors acting for Belmont Car Auctions that he was unable to provide four documents which he said had been seized by the Metropolitan Police in April 1987 in connection with their investigations into Daniel Morgan's death.[349]

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341 Record of interview of Jonathan Rees, MPS000716001, p78, 03 April 1987.
342 Record of interview of Jonathan Rees, MPS000716001, p79, 03 April 1987
343 Interview of DS Sidney Fillery, MPS000717001, pp55-56, 03 April 1987.
344 Witness statement of PC Stephen Thorogood, MPS015791001, pp1-2, 19 May 1987.
345 Witness statement of D/Supt Douglas Campbell, MPS010915001, pp4-5, 03 July 1989
346 Letter to Chief Inspector Jones from Clutton. Moore and Lavington F, MPS025302001, p2, 03 April 1987
347 Copy letter to Mr Duke from D/Supt Douglas Campbell, MPS011460001, p2, 16 November 1987.
348 D457 Letter dated 24/11/1987 from Dodds solicitors with Southern Investigation correspondence re Belmont Car Auctions, MPS011570001, 24 November 1987.
349 Letter from James and Charles Dodd, solicitors to DS D Campbell enclosing copy of Jonathan Rees affidavit, MPS008332001, pp2-6, 14 January 1988.

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231. The documents referred to were as follows:

i. Some cheque book stubs and paying-in book stubs for the bank accounts.

ii. A client card for Belmont Car Auctions.

iii. A Metropolitan Investigation Invoice for Belmont Car Auctions dated April 1986.

iv. Various undated sub-contractors' invoices including invoices signed by Glenn Vian, Garry Vian and John Peacock who had been employed by Southern Investigations as a process server.[350]

232. On 03 February 1988, D/Supt Douglas Campbell wrote to the solicitors for Belmont Car Auctions stating that the Metropolitan Police had never had possession of the documents referred to by Jonathan Rees.[351]

233. Although D/Supt Douglas Campbell was able to obtain copies of some of the Belmont Car Auctions papers, it is not possible to determine whether the papers which were made available to the Morgan One Investigation comprised the entirety of the material held by Southern Investigations.

234. D/Supt Douglas Campbell gave evidence at the Inquest on 15 April 1988 in relation to the Belmont Car Auctions papers, and was questioned by the Coroner. His evidence was, to say the least, confused:

'Q. Do you know where the Belmont Car auctions file is? –

A. Do I know where it is? I have seen some papers on the Belmont car file.

Q. You have seen some papers on it. Have you seen what you consider to be the full file? –

A. I do not know what the file is.

Q. You expressed, in the way you answered that question, some doubt as to whether it was a full file. Do you have reason to believe there might be some papers missing from it? –

A. I was certainly looking for the Belmont car file. I found papers relating to the Belmont car auction case. It might well be there were no other papers but I was certainly looking for any relating to Belmont.

Q. Was there actually a file rather than just papers –

A. I think there was a brown fold-over file.

Q. You did say just now that the file was not brought in by D/S Fillery. –

A That is right.

350 Letter from James and Charles Dodd, solicitors to D/Supt Douglas Campbell enclosing copy of Jonathan Rees affidavit, MPS008332001, pp2-6, 14 January 1988.

351 Letter from D/Supt Douglas Campbell to James and Charles Dodd Solicitors, MPS011571001, p5, 03 February 1988.

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Q. So there is some conflict or potential conflict of evidence between whether the file was actually taken from Southern Investigations or whether it actually got –

A. I took a certain course of action subsequently because I thought the file had not been brought in. Certain things I did led me to suspect that the file had been removed, but having taken that action the man who told us, Mr Newby, that the file was handed to D/S Fillery was subsequently unsure.

Q. I will leave it at that. There seems to be a lingering doubt; an unresolved doubt. –

A. Yes.'[352]

235. Peter Newby stated to a later investigation in 2002 that he had handed the Belmont Car Auctions file to DS Sidney Fillery '*on the morning of the murder*',[353] and that he was asked to make a statement about the file '*approximately one year later* [after the murder of Daniel Morgan]'.[354] He said that at that point he had been '*astonished to see that the majority of the file was missing*' and said that he believed he had told DS Christopher Horne, of the Morgan One Investigation, that he would not make a statement without access to the full file.[355]

236. In a further statement, dated 17 February 2003, Peter Newby estimated the date he had been shown the file to have been '*some six to seven months* [after the murder of Daniel Morgan]' and alleged that:

> *'The Belmont Car Auctions file was about 2 inches thick. The next time I saw this file was at a police station some six or seven months later. I recognised it as the same cardboard folder I had handed over. There were some handwritten notes inside made by Laurie BUCKNOLE that I recognised. However, the file itself was a lot thinner than it had been when I handed it over. It was now less than an inch thick.'*[356]

237. Former DS Christopher Horne was asked in April 2003 about this matter, but officers recorded that his memory was poor and he did not make a statement.[357]

238. Former DS Sidney Fillery has written to the Panel on this issue as follows:

> *'The only person to make this allegation is Mr. Peter Newby. I can offer no explanation why he might have made such a statement although I do allow that he is an honest individual. However, examination of his further statement reveals that he no longer insists on the voracity [sic] of what he said. The statement of P.C. Steven Thorogood certainly does not support this statement but does contradict it.'*[358]

239. There is a clear contradiction between Peter Newby's assertion that the Belmont Car Auctions file and the matrimonial case file were given to DS Sidney Fillery, and DS Fillery's and Jonathan Rees's denial of this.

352 Transcript of the inquest into the death of Daniel Morgan, Fifth Day, MPS027236001, p73, 15 April 1988
353 The Panel interprets this as the morning after the murder.
354 Witness statement of Peter Newby, MPS062447001, p1, 25 November 2002.
355 Witness statement of Peter Newby, MPS062447001, p1, 25 November 2002.
356 Witness statement of Peter Newby, MPS062448001, p2, 17 February 2003.
357 Morgan Two Action A390, MPS059829001, 28 April 2003
358 Letter and attachment from former DS Sidney Fillery to the Panel, pp5-6, 13 September 2017.

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240. The Panel is satisfied that there was in existence a file relating to the Belmont Car Auctions issue. That file could not be found when the police sought it on 30 March 1987.

4.1.1.1 Evidence of DC Michael Crofts

241. The Panel has seen in later witness statements that a visit was made to the Southern Investigations office by DS Sidney Fillery and DC Michael Crofts which resulted in evidence being removed. The Panel cannot determine whether this visit occurred on 12 or 13 March 1987, as there is conflicting evidence, as summarised below.

242. In a witness statement of 15 February 1989, DC Michael Crofts recorded that on 13 March 1987 he went to Southern Investigations with DS Sidney Fillery where '*we took possession of a number of documents from the desk of Danile* [sic] *MORGAN which were handed to Detective Constable Blake at Sydenham Police Station*'.[359]

243. In a subsequent statement on 08 June 1989, DC Michael Crofts recorded that on Thursday 12 March 1987 at about 11.00 am, he and DS Sidney Fillery went to Southern Investigations and removed '*a number of files*' after searching Daniel Morgan's desk.[360] He stated that they were placed in a bag and DS Fillery took them '*in his own private vehicle*'.[361] DC Crofts said that he believed that he (DC Crofts) then handed them to DC Clive Blake, the Exhibits Officer.[362]

244. The Panel has not seen any statement of receipt made by DC Clive Blake in relation to this. DC Blake did not make any statement about his handling of exhibits until after he had left the Morgan One Investigation. The statement which he subsequently made on 07 June 1988 did not refer to any documents received on 12 or 13 March 1987 from DC Michael Crofts or DS Sidney Fillery.[363]

245. There is no record in the copy Exhibits Book of any items taken from Southern Investigations by DS Sidney Fillery or DC Michael Crofts on 12 or 13 March 1987. It is not known whether DC Crofts visited Southern Investigations on both 12 and 13 March 1987, or whether DC Crofts made a mistake in one of his statements. It is not known what exhibits were retrieved from Southern Investigations on 12 and/or 13 March 1987. There are no entries in the Exhibits Book in relation to any documentation taken from Southern Investigations between 11 March 1987, which is documented in the statement of Jonathan Rees, and 16 March 1987, when DC Kinley Davies and DC Crofts seized further material.

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359 Witness statement of DC Michael Crofts, MPS034261001, p2, 15 February 1989.
360 Witness statement of DC Michael Crofts, MPS000186001, p1, 08 June 1989.
361 Witness statement of DC Michael Crofts, MPS000186001, p1, 08 June 1989.
362 Witness statement of DC Michael Crofts, MPS000186001, p2, 08 June 1989.
363 Witness statement of Clive Blake, MPS028077001, 07 June 1988.

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246. The Panel has been unable to establish what happened to the documentation removed from Daniel Morgan's office on 12 and/or 13 March 1987. DC Michael Crofts said that the seized documentation was placed in DS Sidney Fillery's private vehicle, and that he, DC Crofts, handed them, or believed that he handed them, to DC Clive Blake. There is no other evidence that this actually happened. No contemporaneous statement was made by anyone. The files which were allegedly taken were not recorded in the copy Exhibits Book, and there is no other receipt or record by DC Blake or record of them in the contemporaneous papers available to the Panel.

4.1.2 Items seized belonging to Daniel Morgan

247. According to a statement by DC Clive Blake on 07 June 1988, more than a year after the murder of Daniel Morgan, '*DC DAVIES*' (first name not given but believed by the Panel to be DC Kinley Davies) removed '*thirty four items of Daniel MORGAN's personal property from his office at Southern Investigations*' on 16 March 1987.[364] DC Blake stated that a memo book, a book of index cards and four diaries were retained by police.[365] According to DC Blake, the remaining items were returned to Iris Morgan.[366]

248. The copy Exhibits Book lists the material seized by DC Kinley Davies and indicates what was returned to Iris Morgan on 01 July 1987. Material restored included: a photograph of Daniel Morgan and two men (it is not known who those men were); a wallet of photographs (it is not known what was on the photographs); a roll of undeveloped film (it is not known what was on the film, although the Abelard Two investigation did retrieve the film from Iris Morgan, in 2007); two rolls of film (relating to Daniel Morgan's trip to Malta in February 1987); an audio tape (it is not known what was on the audio tape); two mini tape cassettes (which were sent to the laboratory for checking, but in respect of which there is no report available); and a black briefcase (which was returned without any record having been kept of its contents).[367]

249. Further material was listed by DC Clive Blake as having been handed to police on various dates in March 1987 by David Bray, who had worked with Daniel Morgan at Southern Investigations. Of this, a quantity of assorted unidentified correspondence, files relating specifically to two named persons, and 23 unidentified files were recorded in the Exhibits Book as having been restored to Southern Investigations office on 23 December 1987, as were 31 files relating to vehicle repossession which had been handed to police by Malcolm Webb, an employee at Southern Investigations, on 16 March 1987, and on 12 and 18 May 1987.[368]

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364 Witness statement of DC Clive Blake, MPS028077001, p2, 07 June 1988.
365 Witness statement of DC Clive Blake, MPS028077001, p2, 07 June 1988.
366 Witness statement of DC Clive Blake, MPS028077001, p2, 07 June 1988.
367 Copy of Exhibits Book (Exhibits 82-144) [The cover page states '82 – 114' which appears to be an error], MPS005800001.
368 Copy of Exhibits Book (Exhibits 82-144, re 53 High Street, Thornton Heath) [The cover page states '82 – 114' which appears to be an error], MPS005800001.

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250. It is not clear from the documentation how it was determined which of Daniel Morgan's files should be given to the police by David Bray and Malcolm Webb. The decision as to which files should be seen by police was clearly a very important one and should have been recorded by police. The Panel has seen no evidence that all these files were examined by police before their return to Southern Investigations.

251. The Exhibits Book records no use or copying for the purposes of investigation of most of the material seized, before the return of the exhibits. DC Clive Blake later stated that some of the items received were photocopied before return. Some of the items received were already photocopies which the police processed and retained.[369]

252. The decision to copy some of the documentary exhibits and return the originals to Southern Investigations was ultimately D/Supt Douglas Campbell's responsibility. The documents should have been copied and the copies given to Southern Investigations while retaining the original exhibits, lest any analysis or forensic examination was required. The decision to return the original exhibits rather than the photocopies was a serious error by D/Supt Campbell.

4.2 The formal identification of Daniel Morgan's body and the post mortem examination: 11 March 1987

253. On 11 March 1987, DI Allan Jones was present at Lewisham Public Mortuary when Jonathan Rees formally identified the body of Daniel Morgan, at the request of D/Supt Douglas Campbell.[370] Jonathan Rees had been taken to the mortuary by DS Sidney Fillery, acting on instructions which he had been given.[371]

254. At 1.00 pm on 11 March 1987, Dr Michael Heath, a Home Office pathologist, conducted an examination of Daniel Morgan's body. He recorded that the following were in attendance: D/Supt Douglas Campbell, DI Allan Jones, DC Clive Blake ('*Exhibits Officer*'), DC Michael Crofts and the first Police Constable to have arrived at the crime scene ('*Identification*'), DS Graham Frost ('*Laboratory Liaison*'), '*Coroner's Officer*', '*Photographer*', '*Senior Fingerprints Officer*', '*Fingerprints Officer*', '*Scene of Crime Officer*' and '*Area Press Officer*'.[372] It is not known why DC Crofts and the first Police Constable on the scene had to attend the post mortem examination for '*Identification*' as Daniel Morgan's body had been formally identified by Jonathan Rees.

255. Dr Michael Heath removed the axe without difficulty, and handed it to DS Graham Frost for further examination.[373] Of the five wounds on Daniel Morgan's head, he concluded that wounds one, three, four and five were consistent with having been caused by an axe, resulting in direct

369 Witness statement of DC Clive Blake, MPS028077001, p5, 07 June 1988.
370 Witness statement of DI Allan Jones, MPS005950001, 03 March 1988.
371 Witness statement of D/Supt Douglas Campbell, MPS010915001, p2, 03 July 1989.
372 Forensic Pathologist Report by Dr Michael Heath, MPS005920001, p2, 02 April 1987.
373 Forensic Pathologist Report by Dr Michael Heath, MPS005920001, p2, 02 April 1987.

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brain damage which caused death.[374] Wound two was consistent with having been caused by a blow to the head or contact with a heavy blunt surface such as the ground.[375] He later identified wound two as having been suffered after wound four and before wound one.[376] Dr Heath also noted with reference to wound five that '[t]*here was a contusion incorporating a superficial laceration*.'[377] There was no evidence of defence wounds.[378]

256. A blood test revealed that Daniel Morgan had an alcohol level of 107 milligrams per 100 millilitres of blood.[379, 380]

257. Dr Michael Heath identified spots of blood on Daniel Morgan's jacket, tie and shirt, and noted significant damage to the waistband and seam of the right leg of Daniel Morgan's trousers. He described the tear in the trousers as being a *'tear down the upper third outer seam of the right leg, which also involved the right pocket'*.[381] Later, in 1989, Dr Heath provided a witness statement to the Hampshire/Police Complaints Authority Investigation noting that '[t]*here was no evidence that the victim had been moved after the attack'.*[382]

258. In addition to the axe, six samples were collected during the post mortem examination and handed to DS Graham Frost. These were: head hair, beard hair, penile swab, urine, blood (plain) and blood (oxalate).[383]

259. Cash amounting to £15.20 was also found on Daniel Morgan's body at the mortuary.[384]

4.3 The witness statement of Jonathan Rees recorded by DS Sidney Fillery: 11 March 1987

260. Having conducted the search of Daniel Morgan's desk, taken Jonathan Rees for a drink at 12.50 pm while seeking information about the murder, and taken Jonathan Rees to identify Daniel Morgan's body, DS Sidney Fillery then took a witness statement from Jonathan Rees.[385, 386] DS Fillery was instructed to interview Jonathan Rees by DI Allan Jones.[387]

261. Although DI Allan Jones has told the Panel that he had suspicions about Sharon Rees's behaviour when he attended her and Jonathan Rees's house shortly after the murder,[388] he did not instruct DS Sidney Fillery or any other officer to interview Jonathan Rees's wife, Sharon Rees, on 11 March 1987.

262. Sharon Rees did not give a statement to the police until 17 March 1987. As a consequence, she would have had ample time to discuss issues with her husband Jonathan Rees, had she wished to do so, before she made her statement several days later.

374 Forensic Pathologist Report by Dr Michael Heath, MPS005920001, p6, 02 April 1987.
375 Forensic Pathologist Report by Dr Michael Heath, MPS005920001, p6, 02 April 1987.
376 Witness statement of Dr Michael Heath, MPS005975001, pp2-3, 16 May 1989.
377 Forensic Pathologist Report by Dr Michael Heath, MPS005920001, p4, 02 April 1987.
378 Forensic Pathologist Report by Dr Michael Heath, MPS005920001, p6, 02 April 1987.
379 Witness statement of an expert who tested Daniel Morgan's blood alcohol level, MPS002119001, 31 March 1987.
380 The drink drive limit at the time was 80 milligrams of alcohol in 100 millilitres of blood; https://www.drinkdriving.org/drink_driving_information_uklawhistory.php
381 Forensic Pathologist Report by Dr Michael Heath, MPS005920001, p2, 02 April 1987.
382 Witness statement of Dr Michael Heath, MPS005975001, p3, 16 May 1989.
383 Forensic Pathologist Report by Dr Michael Heath, MPS005920001, p5, 02 April 1987.
384 List of Exhibits, MPS014806001, p5, 11 March 1987.
385 Duty sheet of Sidney Fillery, MPS015408001, p2, 11 March 1987.
386 Witness statement of Jonathan Rees, MPS021752001, 11 March 1987.
387 Interview of DS Sidney Fillery, MPS003214001, pp5-6 and p10, 03 April 1987.
388 Panel interview of former DI Allan Jones, p2, 18 December 2015.

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4.3.1 The content of Jonathan Rees's statement

263. In his statement of 11 March 1987, Jonathan Rees said the following:

i. He first met Daniel Morgan in early 1980, when they were both employed as enquiry agents with B. E. Madagan & Co. in Croydon. Both men then formed a partnership in February 1981 (Southern Investigations). Daniel Morgan dealt mainly with the process-serving and bailiff side of the business, while he specialised in different types of investigations. He also said that '*on many instances we each took on the other's aspect of the work*'.[389]

ii. Southern Investigations had six employees, whom he named.[390]

iii. Daniel Morgan was '*an extremely energetic partner*', '*active and normally of an outgoing and friendly disposition*'. He was '*well liked, especially by solicitors* […] *he generated a lot of work*'. He was '*a man of considerable courage* […] *a brave man* […]. *He was a good family man who cared and showed great consideration for his wife and children.*'

iv. Daniel Morgan gave '*no consideration for debtors whatsoever*', '*would always stand firm*' and Jonathan Rees had seen this '*lead to situations of quite serious confrontations*'. He continued, '*I have seen him in public houses interrupt people's conversation and interject with opinions. These were often total strangers, and this led to arguments on occasion, but never violence.*'

v. Daniel Morgan sometimes had sexual relationships with women whom he had met while serving injunctions on their estranged husbands. Jonathan Rees named four women with whom Daniel Morgan had allegedly become involved. He added that '[u]*nfortunately there were a substantial number of such women but that is only what I know from conversation with him*'.[391]

vi. He and Daniel Morgan had been in the Golden Lion public house on the evening of 09 March 1987, the day before the murder, between approximately 7.30 pm and 10.00 pm.[392] Daniel Morgan had parked his car in the car park at the back of the Golden Lion public house. Jonathan Rees said he had left slightly before Daniel Morgan, and that he did not see him go to his car. Jonathan Rees said that, during the latter part of the evening of 09 March 1987, he and Daniel Morgan had been joined by a small group of plain clothes police officers.[393] None of those officers were named (one in fact was DS Sidney Fillery who was taking the statement).

vii. He and Daniel Morgan were both in the office until about 6.00 pm on 10 March 1987, and Daniel Morgan had then left to keep an appointment '*about which he had no details*'. They had then met at about 7.30 pm in the Golden Lion public house. He said, '*I did not ask him where he'd been as there was no need to do so.*'[394]

389 Witness statement of Jonathan Rees, MPS021752001, p3, 11 March 1987.
390 Peter Newby, Anthony Pearce, Malcom Webb, John Peacock, David Bray and a secretary.
391 Witness statement of Jonathan Rees, MPS021752001, p4, 11 March 1987.
392 Witness statement of Jonathan Rees, MPS021752001, p5, 11 March 1987.
393 Witness statement of Jonathan Rees, MPS021752001, p5, 11 March 1987.
394 Witness statement of Jonathan Rees, MPS021752001, p6, 11 March 1987.

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viii. He and Daniel Morgan had arranged to meet Paul Goodridge, '*who was going to introduce us to a Third Party in the hope of securing a loan. However, Mr GOODRIDGE failed to appear because his wife had had an accident at work so we just stayed in the Pub for a drink*.'[395] (No further detail was provided about what this loan was for.)

ix. '*At about 2100 hours, I cannot be exact about the time, we finished our drinks and made to leave the pub. I was a few seconds ahead of him as he was held a short while making notes on a piece of paper. We said our goodbyes inside the pub and I just walked out of the front door of the pub and into my car which was parked in Sydenham Road almost outside the pub. I was not made aware by Daniel where he had parked his car, although I assumed he had parked it in the rear car park. I assume that Daniel left the pub by the rear door as I think he was only a very short time behind me and I would have noticed if he followed me through the front. I then drove off towards Croydon and to "The Beaulha Spa"* [sic] *public house, Crystal Palace where I did meet Paul GOODRIDGE who often uses that pub. In fact, en route home I spoke to Mr GOODRIDGE on my car phone and arranged to meet him. I stayed in that pub until the first bell and left to go home. I did visit a kebab restaurant in Portland Road, SE25, and bought 2 kebabs. I then took them home arriving at shortly after 2300 hours. I stayed indoors until the police arrived and informed me of Daniel's death.*'[396]

x. Jonathan Rees described customers he had seen in the Golden Lion public house on that evening, described his own clothes as comprising grey trousers, no jacket, a blue and white striped shirt, a blue tie with white spots on it, a red scarf and a white mackintosh. He also recorded what Daniel Morgan had been wearing. He listed exhibits from Southern Investigations' offices which had been handed to police on the morning of 11 March.

xi. He had been asked by police about a trip which Daniel Morgan had made to Malta in February 1987. He said that he had '*no detailed information regarding this enquiry* [...]. *However Daniel did mention to me on his return that he had received serious threats whilst in Malta from some person* [with] *whom he had dealings who travels regularly from Malta to England*.'[397] (Daniel Morgan's visit to Malta is discussed in more detail at paragraphs 694-703).

4.3.2 Inaccuracies and omissions in the statement

264. The part of Jonathan Rees's statement referring to the evening of 09 March 1987 was not consistent with statements given subsequently by DS Sidney Fillery, PS Phillip Barrett and other members of the Catford Crime Squad, who recorded that when they arrived after 9.00 pm on 09 March 1987, Jonathan Rees and Daniel Morgan were not in the Golden Lion public house, and that DS Fillery had gone across the road to the Dolphin public house and brought them over to the Golden Lion to meet the other officers.[398]

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395 Witness statement of Jonathan Rees, MPS021752001, p6, 11 March 1987.
396 Witness statement of Jonathan Rees, MPS021752001, pp7-8, 11 March 1987.
397 Witness statement of Jonathan Rees, MPS021752001, p11, 11 March 1987.
398 Witness statement of DS Sidney Fillery, MPS010349001MPS015655001, pp2-3, 14 March 1987.

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265. DS Sidney Fillery should have been aware that the timings provided by Jonathan Rees for being in the Golden Lion public house on 09 March 1987 did not accord with his own recollection of events, as he later stated that he had gone to the Dolphin public house to find Jonathan Rees and Daniel Morgan and had invited them to move to the Golden Lion public house.

266. The Panel has also noted an absence of information in Jonathan Rees's witness statement, which it would have expected to have seen. This includes information about the following issues:

i. Daniel Morgan's other movements on 09 March 1987, the day before he was murdered;

ii. Whether or how often he and Daniel Morgan had previously been in the Golden Lion public house;

iii. The business relationship between Jonathan Rees and Daniel Morgan, and why Jonathan Rees and Daniel Morgan were seeking a loan on the night of Daniel Morgan's murder;

iv. Daniel Morgan's relationship with a woman called Margaret Harrison, with whom Daniel Morgan had shared a bottle of wine the night he was murdered; and

v. The identity of the officers with whom he and Daniel Morgan were drinking in the Golden Lion public house on 09 March 1987 (DS Sidney Fillery, who was taking the statement, was one of those officers).

267. There was a significant failure by DS Sidney Fillery to obtain important information from Jonathan Rees to inform the murder investigation.

DS Sidney Fillery did not ensure that information was included in the statement which he knew and in which he had a personal interest: his own name as one of the officers who had been at the Golden Lion public house on 09 March 1987, and the reason for the loan being sought.

Jonathan Rees should have been questioned in much greater depth about what he knew about Daniel Morgan. The statement made by Jonathan Rees does not indicate that DS Sidney Fillery asked robust questions about Daniel Morgan's lifestyle and contacts when taking this statement.

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4.3.3 Was DS Sidney Fillery an appropriate person to have taken the witness statement?

268. The Panel has considered whether it was appropriate for DS Sidney Fillery to have taken this witness statement, given that he had a working relationship with Jonathan Rees as well as being a close friend. During his interview by the police, after he was later arrested on

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suspicion of the murder (see below, paragraphs 581-602), DS Fillery stated: '*I had declared my friendship with him to the office manager and DI JONES and it was him who told me to take that statement*'.[399]

269. Papers seen by the Panel reveal further details of the relationship between Jonathan Rees and DS Sidney Fillery, beyond that initially declared by DS Fillery. In 1983, while working at the Regional Crime Squad, DS Fillery and his Detective Inspector met Jonathan Rees, who was introduced to them by DCI Laurie Bucknole, at Bromley Police Station. Daniel Morgan was also present at this meeting. Jonathan Rees provided information regarding large scale thefts from lorries and DS Fillery went on to run a police operation in response, becoming '*friendly with John REES',* a friendship which continued after DS Fillery left the Regional Crime Squad.[400]

270. On the 15 March 1987, D/Supt Douglas Campbell asked DS Sidney Fillery to complete a report detailing his relationship with Jonathan Rees.[401] The Panel has seen a two-page typed document which is unsigned and undated which it believes to be DS Fillery's report.[402] In it, he outlined how, while working for the Regional Crime Squad, he had first met Jonathan Rees '*in 1982 or 1983'* and they became involved together in a *'long and fairly complicated enquiry'* into *'massive, organised, theft by employees'*.[403]

271. DS Sidney Fillery later transferred from the Regional Crime Squad and maintained contact with Jonathan Rees, whom he knew to have several friends who were police officers. They would meet *'on average once a week'* often in pubs in the Catford area.[404]

272. DS Sidney Fillery stated, '*I strongly suspect that he* [Rees] *has a facility to obtain N.I.B. checks etc.* [H]*e has never approached me* […] *to that effect*'. DS Fillery described how he was '*a sort of "technical advisor"*' who would provide advice to Jonathan Rees regarding '*the possible repercussions or evidential practicability of such action*' regarding crimes Jonathan Rees was investigating.[405]

273. D/Supt Douglas Campbell provided a witness statement in July 1989 about his role leading the murder investigation team. In this statement he confirmed that:

> *'I was told that FILLERY personally knew William Jonathan REES, the partner of Daniel MORGAN. At this stage of the enquiry, Wednesday 11th March 1987, I considered that FILLERY was the right person to obtain a statement from REES covering all background information* [...]*.'*[406]

274. Former DS Sidney Fillery subsequently told the Panel that he was tasked to take a '***preliminary*** *statement*' from Jonathan Rees,[407] as one of several duties that were allocated to him '***on the very basis that I knew the murder victim and his business partner****, albeit it must be stressed that Jonathan Rees was not considered a suspect at that time*' [emphasis in original].[408]

399 Interview of DS Sidney Fillery, MPS003214001, p10, 03 April 1987.
400 Witness statement of DI Brian George, MPS018569001, pp3-4, 04 July 1989.
401 Memorandum to MPS Solicitors Department from D/Supt Douglas Campbell, MPS036993001, pp2-3, 27 June 1990.
402 D470 Notes of Sid Fillery's relationship with Rees, MPS011583001, undated.
403 D470 Notes of Sid Fillery's relationship with Rees, MPS011583001, p2, undated.
404 D470 Notes of Sid Fillery's relationship with Rees, MPS011583001, p2, undated.
405 D470 Notes of Sid Fillery's relationship with Rees, MPS011583001, p3, undated
406 Witness statement of D/Supt Douglas Campbell MPS010915001, p2, 03 July 1989.
407 Letter and attachment from former DS Sidney Fillery to the Panel, p5, 13 September 2017.
408 Letter and attachment from former DS Sidney Fillery to the Panel, p4, 13 September 2017.

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275. Former DS Sidney Fillery said that he was asked to take a statement which would inform D/Supt Douglas Campbell and DI Allan Jones about Daniel Morgan as a person, which would have normally been taken from a member of the family. Former DS Fillery said that Jonathan Rees was a close associate of Daniel Morgan and therefore, by obtaining a statement from him, the need to call upon the family, who were in a state of shock, could be avoided.[409]

276. When DS Sidney Fillery was questioned about the statement, on 03 April 1987, he claimed that he had taken the statement because he had been told to and that there had been no criticisms of the statement by DI Allan Jones or D/Supt Douglas Campbell:

> *'It was handed into the system on the day I took it. It must have been read by almost everybody on that murder squad. I think it grossly unfair that after all that they accuse me of glossing parts over, they should have said something earlier if not satisfied with it. I remained on that squad and in direct contact with REECE* [sic] *on the instructions of the investigating officer and could easily have been instructed to take a fuller account.'*[410]

277. In a letter to the Panel dated 13 September 2017, former DS Sidney Fillery claimed that the witness statement he took from Jonathan Rees on 11 March 1987 was '*never meant to be final or definitive*', nor to form an important part of the investigation. He stated, '*this was the very beginning of the enquiry and there has never been any doubt that gaps would have to be filled in as the enquiry developed and other questions arose. Indeed, such was the case*[...].'[411]

278. The fact that DS Sidney Fillery was a close friend of Jonathan Rees, who was the last known person to see Daniel Morgan alive, and the fact that DS Fillery had been drinking with Jonathan Rees and Daniel Morgan the night before the murder in the place at which Daniel Morgan was murdered, meant that DS Fillery should have informed D/Supt Douglas Campbell of these facts in this context. He should not have taken Jonathan Rees's statement.

279. Despite the fact the DS Sidney Fillery has asserted that the statement taken was only intended to be a preliminary statement, the Panel has seen no evidence of this, and this was irrelevant anyway. The Panel does not accept that DS Fillery acted in good faith in taking Jonathan Rees's statement, or in his attempts to secure information for the murder investigation. The Morgan One Investigation was deprived of information which would have assisted it during the critical early days of the investigation.

280. The Panel has not seen any evidence that anyone within the Morgan One Investigation raised any concerns about the witness statement DS Sidney Fillery took from Jonathan Rees at the time it was taken.

409 Letter and attachment from former DS Sidney Fillery to the Panel, p5, 13 September 2017.
410 Interview of DS Sidney Fillery, MPS003214001, p10, 03 April 1987.
411 Letter and attachment from former DS Sidney Fillery to the Panel, p5, 13 September 2017.

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281. There was a failure of management by D/Supt Douglas Campbell and DI Allan Jones to examine properly the statement that DS Sidney Fillery took from Jonathan Rees in the first week of the investigation.

282. Jonathan Rees later made further witness statements: [412,413]

i. On 16 March 1987, he:

- provided details of the vehicles owned by Southern Investigations and used by him and by Daniel Morgan;
- produced 31 files of cars repossessed by Daniel Morgan over the previous 12 months, and said that nine other files for identified vehicles were not in the office at that time.

ii. On 20 March 1987, he:

- explained his telephone calls on the evening of 10 March 1987;
- described his departure from the Golden Lion public house and his route home;
- described his clothing that night as comprising a white raincoat, red scarf, grey trousers and black shoes;
- said he started to leave at 10.50 pm and drove towards home at 11.15 pm; he stopped and bought kebabs which he and his wife ate when he got home; he sat watching television;
- said that at about 12.30 police arrived and told him that Daniel Morgan had been murdered;
- said that he had been asked by police whether he had ever telephoned Margaret Harrison at home; he said that he had telephoned her at work, but had never telephoned her at home, did not know her phone number and never had an affair with Margaret Harrison; and
- provided information about discussions about a possible merger which had occurred in mid-1986 with Madagans, for whom he and Daniel Morgan had worked previously.

4.4 Early forensic enquiries

4.4.1 Items from the post mortem

283. Four items from the post mortem examination on 11 March were submitted for forensic examination on that date: the axe which had Elastoplast strips around the shaft, a specimen of blood for blood grouping, blood oxalate and urine.[414]

284. At least two forensic scientists, including Philip Toates, were involved in the examination of the exhibits at the Forensic Science Laboratory. Fingerprint experts from the Metropolitan Police's Serious Crime Unit dealt with fingerprint requests.

412 Witness statement of Jonathan Rees, MPS021797001, 16 March 1987.
413 Witness statement of Jonathan Rees, MPS021815001, 20 March 1987.
414 Witness statement of DS Graham Frost, MPS010727001, 26 April 1989

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4.4.1.1 The murder weapon

285. The axe was received by Philip Toates on 13 March 1987. It was regarded as a very important possible source of forensic evidence against any identified or possible suspect. In the absence of an identified suspect, the weapon was considered the best possibility for forensic traces. Philip Toates submitted his first report to the Morgan One Investigation on 19 August 1987.[415]

286. On 16 and 19 March 1987, fibres were recovered from the axe, from the plasters which had been stuck onto the axe handle, and from beneath the plasters on the axe. In total, 117 fibres were recovered during the Morgan One Investigation. Those fibres were preserved on Sellotape mountings for comparison with any exhibits which might be submitted by the Morgan One Investigation. Ultimately, a total of 183 individual fibres were recovered during later investigations, from the axe and from the strips of Elastoplast which had been placed around the axe handle.[416]

287. On 19 March 1987, the axe was handed to the Serious Crime Unit for laser ultraviolet examination for fingerprints.[417,418] There is an undated report that states that no fingerprints were recovered from the axe[419] and that it was then sent to '*MPFSL*' (Metropolitan Police Forensic Science Laboratory) on 23 March 1987.[420]

288. On 19 March 1987, Daniel Morgan's shoes, suit trousers and jacket, socks, underpants, tie and shirt were submitted for examination to identify any '*foreign fibres present, foreign blood present, and possible fingerprinting*' [emphasis in original]. Samples of Daniel Morgan's head and facial hair were submitted to the laboratory as control samples for comparison.[421]

289. On 25 March 1987, D/Supt Douglas Campbell and DI Allan Jones met Dr Michael Heath, the pathologist, to discuss how the axe was used and Dr Heath's examination of Daniel Morgan's clothing.[422]

290. There is no record of what happened at this meeting or of the information which was secured. When asked about this at the Inquest into Daniel Morgan's death in 1988, D/Supt Douglas Campbell said, '*I did discuss the wounds. I discussed whether it would have been a left handed or a right handed person. I discussed the blood splashing. All those aspects were discussed with Dr. Heath*.'[423] He went on to say he thought Dr Michael Heath had concluded that Daniel Morgan had fallen on his back and that they had discussed the possibility of whether Daniel Morgan had been killed where he was found.[424]

291. In his evidence to the Inquest, Dr Michael Heath stated that the injuries suffered by Daniel Morgan did not preclude a right-handed or left-handed attacker.[425]

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415 Forensic report by Philip Toates, MPS011412001, 19 August 1987.
416 Witness statement of Phillip Toates, MPS079184001, pp4-7, 10 August 2009.
417 Witness statement of Phillip Toates, MPS079184001, p3, 10 August 2009.
418 Philip Toates notes showing the axe being passed to the Serious Crime Unit, MPS004840001, p107, 19 March 1987.
419 Document D181 – Fingerprint results, MPS011249001, p4, 12 May 1987 (page 4 is undated and is attached to a report from the Officer in charge of the Fingerprint Branch of 12 May 1987).
420 Document D181 – Fingerprint results, MPS011249001, p4, 12 May 1987 (page 4 is undated but attached to a report from the Officer in charge of the Fingerprint Branch of 12 May 1987).
421 Submission of Articles to Forensic Science Lab, MPS005914001, p3, 19 March 1987.
422 Action A210, MPS013273001, allocated 16 March 1987.
423 Transcript of Inquest day 6, INT000006001, p25, 18 April 1988
424 Transcript of Inquest day 6, INT000006001, p25, 18 April 1988
425 Transcript of Inquest day 4, INT000004001, p41, 14 April 1988.

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4.4.1.2 Clothing and extraneous fibres

292. On 25 March 1987, DI Allan Jones and Philip Toates agreed that Daniel Morgan's jacket should first be sent for fingerprint analysis, as DI Jones wanted to try a new process (metal-deposition examination) for securing fingerprints.[426] They also agreed that there should be no examination for foreign blood and fibres in the absence of a suspect.[427] Philip Toates informed the Panel that DI Jones was to discuss the fingerprinting with the fingerprinting department and then liaise with him (Philip Toates) if a fingerprint examination was to go ahead, so that fibres could be preserved if/where possible.[428] It is not known whether a fingerprint examination occurred. There is no record that any fingerprints were found.

293. On 28 April 1987, Philip Toates recorded that Daniel Morgan's trousers were not suitable for fingerprinting.[429] There is no record of any further discussion.

294. No '*useful marks*' were recovered from the fingerprint analysis of Daniel Morgan's shoes.[430] There is no reference to any fibres being present or having been searched for on Daniel Morgan's shoes.

295. Philip Toates recorded on 28 April 1987 that the jacket which Daniel Morgan had been wearing when he was murdered was heavily bloodstained and that it was not feasible to examine it for blood from a third party. He also found that there were some hairs adhering especially at the outside of the collar and that loose debris was returned to the exhibit bag which was sealed.[431] He reported that '[n]*othing of apparent significance was found*' on Daniel Morgan's shoes, jacket and trousers.[432] Extraneous fibres were found on both the jacket and trousers, but these fibres were not recovered.[433] As DI Allan Jones instructed him not to conduct any further examination on these items, Philip Toates advised in his laboratory report that they should be retained in their sealed packages.

296. Philip Toates observed that the presence of red fibres matching the clothing of known associates was unlikely to be significant.[434]

426 Notes regarding further examination of exhibits submitted to the Lab in respect of the Daniel Morgan murder, MPS071288001, p2, 25 March 1987.
427 Notes regarding further examination of exhibits submitted to the Lab in respect of the Daniel Morgan murder, MPS071288001, p2, 25 March 1987.
428 Telephone interview with Philip Toates, paragraph 4, 03 August 2016.
429 Handwritten notes concerning further examination on the suit trousers worn by the victim, MPS071275001, p3, 28 April 1987.
430 Document D181 – Fingerprint results, MPS011249001, p6, 12 May 1987 (page 6 is undated and is attached to a report from the Officer in charge of the Fingerprint Branch of 12 May 1987).
431 Handwritten notes concerning further examination on the suit jacket worn by the victim, MPS071274001, 28 April 1987.
432 Laboratory report regarding the forensic examination of items submitted in connection with the murder of Daniel Morgan, MPS011412001, p3, 19 August 1987.
433 Laboratory report regarding the forensic examination of items submitted in connection with the murder of Daniel Morgan, MPS011412001, p3, 19 August 1987.
434 Laboratory report regarding the forensic examination of items submitted in connection with the murder of Daniel Morgan, MPS011412001, p3, 19 August 1987.

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297. Philip Toates acted properly in placing Daniel Morgan's jacket and trousers in a sealed evidence bag, with the fibres which had been identified on them. The fibres could have only been of use if they were compared with other fibres from a suspect's clothing or other material associated with a suspect and found to be a match. The Morgan One Investigation did not seek any further action in relation to these fibres, even later when they had seized clothing which could have been compared with the fibres. It was not until 2006 that the police arranged for forensic tests to be carried out.

4.4.2 Damage to Daniel Morgan's clothing

298. Both Daniel Morgan's jacket and trousers were found to have been damaged. On 28 April 1987 Philip Toates recorded that:

i. '*the seams at the top of the rear vents of the jacket were pulled open*' (that is, damaged);[435]

ii. there was a tear of 45.5cm to the right-hand outside seam of the trousers;[436] and

iii. there was damage to the right hip pocket, which was torn along the seam, and that there was a small tear in the rear pocket.[437]

299. Philip Toates told the Panel that he cannot recall any particular discussion of the significance of the damage during the Morgan One Investigation, despite the 22 discussion sessions recorded between Philip Toates and the Morgan One Investigation.[438,439]

300. Although Daniel Morgan's trousers were ripped across the waistband on the right-hand side and from the waistband down the right leg almost to his knee,[440] there is no evidence of any instruction to the forensic scientists to examine the clothing and shoes to determine whether the body had been moved or dragged.[441,442] The extent and nature of the tearing was unusual and was potentially very significant, as it could have been caused by the moving of, or an attempt to move, Daniel Morgan's body.

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435 Handwritten notes concerning further examination on the suit jacket worn by the victim, MPS071274001, p1, 28 April 1987.
436 Handwritten notes concerning further examination on the suit trousers worn by the victim, MPS071275001, p2, 28 April 1987.
437 Handwritten notes concerning further examination on the suit trousers worn by the victim, MPS071275001, pp1-4, 28 April 1987.
438 Telephone interview with Philip Toates, para 4, 03 August 2016.
439 Philip Toates forensic notes, MPS105206001, pp670-675, undated.
440 Handwritten notes concerning further examination on the suit trousers worn by the victim, MPS071275001, p2, 28 April 1987.
441 Forensic Report by Philip Toates, MPS011412002, 19 August 1987.
442 Submission of Articles to Forensic Science Lab, MPS005914001, p3, 19 March 1987.

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301. There is no evidence, within the material which has been made available to the Panel, of efforts to establish the reasons for, or significance of the very large tear in Daniel Morgan's trousers and the level of force that it would have taken to cause such a tear. Nor was any request made by the Morgan One Investigation for any forensic examination of the tears in the trousers. No further action appears to have been taken about this matter until almost 20 years later, when the Abelard Two Investigation team requested some scientific analysis. This should have formed a line of enquiry from the moment Daniel Morgan's body was discovered.

4.4.3 Blood enquiries

302. Following enquiries made by DC Clive Blake (the Exhibits Officer in the investigation) at the laboratory as to the likely extent of blood splashing from the wounds suffered by Daniel Morgan, DC Blake reported the following:

> *'the amount of blood likely to be splashed onto the assailant's clothing would be limited, as the axe did not enter any soft tissue, only bone. For any blood splashing the axe would have to enter tissue or the assailant would have to make multiple strikes with the weapon into the same area of the body. Examination of the scene shows no blood splashing onto the cars nearby. Therefore, any blood traces on the assailant's clothing would be minimal.'*[443]

There is no record of any examination of cars nearby for blood splashing.

303. DC Clive Blake did not record with whom at the laboratory he had a conversation about the likelihood of blood splashing.

304. The Panel has examined the records kept by Philip Toates and has noted a record (probably made on 24 June 1987) of a telephone call received from DI Allan Jones, during which Philip Toates explained that he was not prepared to make any statement regarding the likelihood of the assailant being bloodstained based on the crime scene photographs. Philip Toates also noted that he had previously spoken to DC Clive Blake on this matter. [444]

305. The Pathologist, Dr Michael Heath, was asked by D/Supt Douglas Campbell on 28 January 1988 to say how much blood splashing there would have been on the assailant and where. In a supplementary report on 24 February 1988, Dr Heath stated the following:

> *'During the production of wounds 1 – 5, there would not necessarily have been significant spraying of blood.*
>
> *'After these wounds were produced, blood would then run from the wounds and in so doing, would contaminate the surrounding area.*
>
> *'There were numerous splashes of blood over the handle of the axe and upper part of the clothing. These splashes were caused when blood, which had run over the face and mouth was sprayed during the terminal respiratory efforts.*

443 Action A1138 allocated to DC Clive Blake, MPS014201001, p1, 20 August 1987.

444 Case minute of Philip Toates dated 24.02.87 [sic] entered after the previous minute on 18/06/1987, MPS105206001, p674.

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'A person in close proximity to the deceased, whilst the injuries were inflicted, would not necessarily have been contaminated to any significant degree with blood. If a person was in close proximity during the terminal respiratory efforts, contamination with blood might have occurred.'[445]

4.4.4 Other items submitted for forensic testing

306. Items were taken from Daniel Morgan's body and his car on the night of the murder.

4.4.4.1 Keys

307. There is no evidence that any consideration was given to checking for fingerprint or other evidence from Daniel Morgan's keys, which were lying near to his right hand when his body was discovered. No forensic examination of the keys was conducted.[446]

4.4.4.2 Money

308. Money totalling £1,076.47, including two £50 notes which had been found in Daniel Morgan's pockets, was taken to Catford Police Station on 11 March 1987. A further £15.20 was found during the post mortem and £2.05 in coins is also recorded as having been found on Daniel Morgan's body, making the total amount found to be £1093.72.[447]

309. None of the money was sent for forensic analysis. An employee of Southern Investigations signed a receipt for eight items, which included all the money itemised as having been taken from Daniel Morgan's body.[448] However, Peter Newby later stated that only *'*[a]*bout £980'* in *'low denomination'* bank notes (which did not include the two £50 notes) was returned to Southern Investigations on 27 March 1987.[449] There is no evidence to resolve the discrepancy between the statement made by Peter Newby and the receipt signed by the employee as to the amount of money which was returned to Southern Investigations.

310. Peter Newby noted that there were blood stains on some of the notes, and he contacted the Morgan One Investigation.[450] Three blood-stained notes were then collected by the police. Two £10 notes and one £5 note were submitted for fingerprint analysis and blood grouping on 01 April 1987.[451] The response in relation to the request for fingerprint analysis was that there were no useful marks on the notes, and the blood was recorded as being in the same group as that of Daniel Morgan.[452,453]

445 Witness statement of Dr Michael Heath – SUPPLEMENTARY REPORT RE: Daniel John Morgan, aged 37 years. Post Mortem Examination at Lewisham Public Mortuary on 11.3.87, MPS005257001, p2, 24 February 1988.
446 Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan (Report by DCI Terence Farley), MPS005270001, p3, 19 January 1989.
447 Record of property concerned in crime; found on Daniel Morgan, MPS026878001, p1, 11 March 1987.
448 Record of property concerned in crime; found on Daniel Morgan, MPS026878001.
449 Witness statement of Peter Newby, MPS010347001, pp1-2, 10 August 1988.
450 Witness statement of Peter Newby, MPS010347001, pp1-2, 10 August 1988.
451 Submission of articles to Forensic Science Laboratory, MPS005270001, pp25-26, 01 April 1987.
452 Document D181 – Fingerprint results, MPS011249001, p6, 12 May 1987 (page 7 is undated and is attached to a report from the Officer in charge of the Fingerprint Branch of 12 May 1987).
453 Laboratory report regarding the forensic examination of items submitted in connection with the murder of Daniel Morgan, MPS011412001, p3, 19 August 1987.

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311. The bank notes should have been properly examined by the police when seized, and the blood-stained notes should have been forensically examined before their return to Southern Investigations.

4.4.4.3 Crisps

312. Two packets of crisps, which had been found beside Daniel Morgan's left arm, were examined for fingerprints at Sydenham Police Station on 12 March 1987 between 3.00 and 3.05 pm by a Senior Fingerprint Officer. No '*useful marks*' were found.[454]

4.4.4.4 Cars

313. The outside of Daniel Morgan's car was examined for fingerprints only, by a Senior Fingerprint Officer, at Catford Police Station on 11 March 1987 between 4.30 pm and 5.00 pm. No '*useful marks*' were found.[455]

314. Dr Kathryn Mashiter, an independent expert in forensic science engaged by the Panel, commented that the normal practice, even in 1987, would be to dry off a vehicle and then fingerprint it. It would have been inadvisable to remove vehicles from the car park until the scene examination was complete. They could have been covered by sheeting and the scene guarded overnight. There is no record of any further examination of the scene.

315. A Morris Marina car, which was parked near Daniel Morgan's body, was examined for fingerprints in the car park of the Golden Lion public house on 11 March between 4.00 pm and 4.20 pm. No '*useful marks*' were found.[456]

316. There was damage to the rear offside of the Morris Marina car, which is evident in the photographs taken at the scene.[457] There was no further investigation of the car by the Morgan One Investigation even though, had such investigation occurred, it may have been possible to identify any evidence such as paint scrapings from a vehicle which might have collided with the Morris Marina.

317. On 26 October 1988, DCI Terence Farley of the Hampshire/Police Complaints Authority Investigation was present when a Detective Sergeant carried out a forensic examination of the bodywork of the Morris Marina.[458] DCI Farley recorded that the vehicle had been fitted with new tyres, brakes and an exhaust. The owner of the Morris Marina car said in a statement made to the Abelard Two Investigation in 2009 that he had no memory of changing the tyres or exhaust

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454 Operation Drake – enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan at Sydenham, London SE26, on the 10th March, 1987, MPS005270001, pp11-12, 19 January 1989.
455 Operation Drake – enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan at Sydenham, London SE26, on the 10th March, 1987, MPS005270001, p11, 19 January 1989.
456 Operation Drake – enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan at Sydenham, London SE26, on the 10th March, 1987, MPS005270001, pp10-11, 19 January 1989.
457 Photographs of Daniel Morgan's murder scene, MPS014810001, 10 March 1987.
458 Operation Drake – Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan, MPS005270001, p18, 19 January 1989.

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after the murder.[459] Nothing of '*any significance*' was found.[460] DCI Farley made no mention of the damage to the car in his forensic report of 19 January 1989.[461] The car was scrapped about six months after the forensic examination.[462]

318. The Morris Marina car, which had been parked adjacent to Daniel Morgan's body, should have been fully examined by the Morgan One Investigation, and the damage to the vehicle should have been examined to determine whether it was recent and whether it provided any possible lines of enquiry.

4.4.4.4.1 Jonathan Rees's car

319. On 14 March 1987 Jonathan Rees was asked by DS Sidney Fillery, on the instructions of DS Malcolm Davidson, to bring his car into Sydenham Police Station to test for blood traces.[463,464,465] He did so. A Scenes of Crime Officer tested the passenger compartment, inside the boot and under the bonnet. The other areas of the car were not examined. No blood was found, and no testing for fibres was conducted.[466]

320. The passenger compartment, the boot and under the bonnet of Jonathan Rees's car were examined for blood only, on 14 March 1987. Fibres were not taken from Jonathan Rees's car until 07 March 1988 (almost a year after the murder) and were submitted for testing on 15 March 1988. The searching and forensic examination of Jonathan Rees's car in the days after the murder was deficient, because it was so incomplete.

4.4.5 Management of the forensic enquiries

321. There were ten recorded contacts between Philip Toates and DC Clive Blake in the period between 23 March 1987 and 26 May 1988, and there were 12 conversations between Philip Toates and DI Allan Jones in the period from 25 March 1987 to 07 July 1988.

322. There is no evidence of any contact between Phillip Toates and D/Supt Douglas Campbell as the Senior Investigating Officer until 07 July 1988.[467]

459 Witness statement of the owner of the Morris Marina MPS077662001, p3, 24 September 2009.
460 A264 Action to examine the Morris Marina car for forensic evidence MPS005963001, 10 February 1989.
461 Operation Drake – Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan, MPS005270001, pp18-19, 19 January 1989.
462 Witness statement of the owner of the Morris Marina, MPS077662001, p3 24, September 2009.
463 A146 Action arrange forensic examination of Jonathan Rees vehicle, MPS013209001, 14 March 1989.
464 D15 SOCO report: examination of Jonathan Rees' car, MPS011082001, p2, 14 March 1987.
465 Witness statement of Sidney Fillery, MPS028068001, p1, 22 June 1988.
466 D15 SOCO report: examination of Jonathan Rees' car, MPS011082001, p2, 14 March 1987.
467 Philip Toates Forensic Notes, MPS105206001, pp670-675, undated.

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323. Where forensic work was requested, it was carried out by the Forensic Scientist in accordance with the standards of the time. However, in many cases, items such as Jonathan Rees's clothes and car, were not secured and presented for forensic examination as they should have been. Forensic opportunities were missed. This was ultimately the responsibility of D/Supt Douglas Campbell.

4.5 Enquiries in the vicinity of the crime scene

324. Enquiries were made about the vehicles parked in the car park, those who had been inside and outside the Golden Lion public house on the evening of 10 March 1987, and of those who lived or carried on business adjacent to the murder scene.

4.5.1 Vehicles which were parked in the Golden Lion public house car park on the evening of 10 March 1987

325. As stated above (see paragraph 19iv), a Police Constable made a rough plan (Exhibit DS 1) showing the position and registration number of 12 cars in the car park, to which he referred in his statement of 06 April 1987.[468] An undated, unsigned, rough plan shows 12 cars in the car park.[469] It does not carry the exhibit number but it is assumed that this is the plan drawn by the Police Constable.

326. Statements were taken from the drivers and passengers of the cars parked in the car park of the Golden Lion public house on 10 March 1987. These statements provide a picture of who owned the cars in the car park, the times at which they entered and left and the relative positioning of the cars.

327. According to these statements, all the witnesses had parked their cars before 8.50 pm and nobody placed themselves or other people in the car park between 8.50 pm and 9.30 pm.

328. There are no inconsistencies in the statements, which simply corroborate the available evidence.

4.5.2 People inside the Golden Lion public house on 10 March 1987

329. The Golden Lion public house, which included a saloon bar, a public bar and a function room, was busy on the night of Daniel Morgan's murder.[470] However, there is uncertainty as to exactly how many people were inside the premises on that night, and the Panel has not been able to resolve that uncertainty.

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468 Witness statement of the further Police Constable, MPS010526001, p1, 06 April 1987.
469 Diagram of vehicles in the car park, MPS011071001, undated.
470 Metropolitan Police DPP report regarding the murder of Daniel John Morgan, MPS022269001, p14, 22 January 1988.

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330. The diagram below was produced in 2010 during the later Abelard Two Investigation.

Diagram 2. Layout of the saloon bar in the Golden Lion public house on 10 March 1987[471]

331. No named officer was in charge of the enquiries on the night of the murder into people who were inside the Golden Lion public house. Several police officers took details from people who were present.

332. Undated maps and documents show that police identified 83 people who had been inside the Golden Lion public house on the night of the murder,[472,473] 51 of whom were in the saloon bar between the hours of 7.00 pm and 11.00 p m,[474] and 16 of whom were in the public bar.[475] Sixteen members of a women's darts team were in the function room.[476] Eleven individuals remained unidentified at the end of the investigation.[477]

333. The names and addresses of people who had been within the Golden Lion public house having been taken, Personal Descriptive Forms (which describe the physical characteristics and location of individuals, as well as any other salient points) were compiled for most of them. The completion of Personal Descriptive Forms and marking locations on a map were standard practice in major investigations.

334. No Personal Descriptive Form can be found for Jonathan Rees. When asked about this, the Metropolitan Police responded: '*It would be a decision for the SIO but possibly not done because all the information from a PDF form was known to the enquiry in respect of Rees.*' [478]

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471 Plan of the Golden Lion public house and car park, MPS016261001, p1, undated.
472 Plan showing positions of persons in Lounge Bar of Golden Lion Public House, MPS016259001, p1, undated.
473 Maps of persons present in the Golden Lion public house on 10.03.1987, MPS025401001, undated.
474 Registry docket report by D/Supt Douglas Campbell, MPS008491001, p1, undated.
475 Metropolitan Police DPP report regarding the murder of Daniel John Morgan, MPS022269001, p14, 22 January 1988.
476 Metropolitan Police DPP report regarding the murder of Daniel John Morgan, MPS022269001, p14, 22 January 1988.
477 Registry docket report by D/Supt Douglas Campbell, MPS008491001, p1, undated.
478 Response of Metropolitan Police to DMIP, dated 12 September 2016.

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335. Some witnesses were asked to mark their positions within the Golden Lion public house on a plan.[479] Seventy-one individual plans exist. There is not an individual plan for each witness. Two sets of couples marked their positions on the same plans.[480]

336. There is no evidence that Jonathan Rees was asked to indicate on a seating plan where he and Daniel Morgan had been sitting when they met that night. Nor is there any evidence that he was taken back to the bar and asked to point out where they had been sitting, or whether he was asked for any further information regarding this.

337. Statements were taken from all but two of the customers (who were identified by the Hampshire/Police Complaints Authority Investigation). These statements detailed where the witnesses had been sitting, who else they had seen, what they had been wearing, what they had been drinking, their movements, and what time they had arrived at and left the Golden Lion public house.

338. There is no acceptable explanation within the material disclosed as to why Jonathan Rees was not required to mark his position within the Golden Lion public house on the night of the murder, nor why a Personal Descriptive Form was not completed for him, as was the policy at the time. There could be no assumption that the relevant information was known to those responsible for analysing all the information gathered about who was where, and when, in the Golden Lion on 10 March 1987, and the suggestion made to the Panel by the Metropolitan Police in 2016 that this was the case has no merit. Furthermore, a Personal Descriptive Form should also have been completed for Daniel Morgan with whom Jonathan Rees had said he was sitting. The various descriptions given by witnesses could not be effectively compared without detailed knowledge of the clothing and physical characteristics of both men.

4.5.2.1 Who sat where inside the Golden Lion public house?

339. The police attempted to identify exactly where Daniel Morgan and Jonathan Rees had been while they were within the Golden Lion public house, and to gather information about their movements and those of anybody they encountered while there.

340. Only two witnesses apparently provided evidence which may have been related to Daniel Morgan and Jonathan Rees: Person T4 with a friend, and the barmaid. Person T4 gave evidence which is inconclusive:

i. Person T4 and his friend arrived together and sat down in the bar at about 9.00 pm.[481] Person T4 saw two men, '*sitting* […] *on the raised area with their backs to the rear doors of the pub*'.[482] He provided a description of the men: '*The one with the beard was about thirty years old, with brown hair and was smaller in comparison to the man he was with. I'm sure he had a collar and tie on with a blazer or dark suit. He appeared*

479 Registry docket report by D/Supt Douglas Campbell, MPS008491001, p1, undated.
480 Maps of persons present at the Golden Lion Public House on 10 March 1987, MPS025401001, undated.
481 Person T4 and the witness who drove out of the car park.
482 Signed, handwritten witness statement of Person T4, MPS010238001, p4, 12 March 1987.

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reasonably smart. [...] *the bearded man may have had a badge or something on a right breast pocket*' and '*the other one* [...] *was about the same age but much larger build and with fair short cropped hair. He also was wearing a collar and tie.*'[483]

ii. When shown a photograph of Daniel Morgan on 24 August 1987, he did not recall seeing him in the Golden Lion public house on 10 March 1987.[484] When police visited him for a third time in October 1987 and again showed him a picture of Daniel Morgan, he told police that:

> *'although I cannot definitively say that this was the man who was sitting near to me* [...] *I do recall that when a photograph of the man that was murdered was shown in the newspapers following the murder, I remember thinking that that was the same man that was sitting near us that night.'*[485]

iii. In his statement dated 12 March 1987, Person T4 said that, after ten or fifteen minutes, the larger man left, but he returned a short time later wearing a white raincoat and black gloves, which he had not been wearing previously.[486] He stated that the man in the raincoat then left and that the bearded man left shortly afterwards. He was unable to say by which entrance(s) the men exited, although both of them walked towards the front of the building.[487]

341. Although the witness was unable to attribute a specific time to the men's departure, his evidence suggests that, since the witness sat in his seat at between around 8.40-9.00 pm, and the larger man was said to have left after ten to fifteen minutes and returned a short time later, Jonathan Rees and Daniel Morgan may not have left at 9.00 pm as Jonathan Rees had said, and may still have been in the Golden Lion for some time after 9.00 pm.

342. Person T4's friend[488] did not remember seeing anyone resembling Daniel Morgan or Jonathan Rees in the premises. When shown a photograph of Daniel Morgan, he did not remember seeing him there that night, nor did he recall having seen him before.[489]

343. Jonathan Rees should have been asked during the Morgan One Investigation whether he left his seat and returned wearing a white raincoat and black gloves, and if he did leave, where he went and what he did while he was away.

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483 Signed, handwritten witness statement of Person T4, MPS010238001, p2, 12 March 1987.
484 Witness statement of Person T4, MPS010239001, 24 August 1987.
485 Witness statement of Person T4, MPS010240001, p2, 15 October 1987.
486 Witness statement of Person T4, MPS010238001, 12 March 1987.
487 Witness statement of Person T4, MPS000141001, 12 March 1987.
488 The witness who drove out of the car park.
489 Statement of the witness who drove out of the car park, MPS016407001, p2, 05 October 1987.

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344. It is not possible to say precisely when either Daniel Morgan or Jonathan Rees left the Golden Lion public house. There is conflicting evidence. Jonathan Rees was the only witness to state that they left at about 9.00 pm. As Jonathan Rees said that he left before Daniel Morgan, it was not possible for him to state definitively when Daniel Morgan left.

4.5.2.2 The barmaid

345. The other witness to give relevant information was the barmaid who had been working at the Golden Lion public house on 10 March 1987. She made a statement that evening, shortly after the arrival of the police following the discovery of the murder:

i. She said she served a man with two drinks and two packets of crisps about 9.20 pm, shortly before she saw him leave the bar. Two packets of crisps had been found by Daniel Morgan's body.

ii. He had been sitting on the settee opposite the bar, which is a different location from that stated by the other witness, and that she thought that he was with '*another man, who was also wearing a suit, and he was white*'.

iii. She described the man she served. Her description closely resembled Daniel Morgan.[490]

346. On 16 April 1987, she was shown a photograph of Daniel Morgan, and she identified him as '*definitely*' being the man to whom she had served two drinks and two packets of crisps.[491]

347. There is, therefore, no definitive evidence as to where Jonathan Rees and Daniel Morgan had been sitting on the night of the murder. The evidence available indicates they were either sitting directly opposite the saloon bar,[492,493] or they were sitting in a separate raised area at the back of the bar, near the door leading to the rear car park.[494]

348. D/Supt Douglas Campbell was concerned that the barmaid was confused in her evidence about the time at which Daniel Morgan bought the crisps and drinks. He subsequently reported his belief that '[t]*he barmaid* [...] *is totally confused, she does not remember serving MORGAN other than at about 9.20pm when a man with a beard bought two packets of crisps. It is felt that at this time MORGAN was dead.*' [495]

349. D/Supt Douglas Campbell has not explained why it was felt that Daniel Morgan had been dead at 9.20 pm. There is nothing to confirm why D/Supt Campbell stated this. It is not known at what time Daniel Morgan died. All that can be established is that he was found dead by a customer arriving at the Golden Lion public house at about 9.40 pm.

490 Witness statement of the barmaid, MPS016076001, 10 March 1987.
491 Witness statement of the barmaid, MPS015677001, 16 April 1987.
492 Witness statement of the barmaid, MPS019134001, p1, 10 March 1987.
493 Witness statement of the barmaid, MPS015678001, p1, 07 December 1987.
494 Signed, handwritten witness statement of Person T4, MPS010238001, p3, 12 March 1987.
495 Report of D/Supt Douglas Campbell, MPS005460001, p10, 22 January 1988.

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350. The barmaid was convinced that the man she had served with two packets of crisps was Daniel Morgan. She identified him from the photograph, and she described him accurately. Nobody else was identified as having bought two packets of crisps that night, and two packets of crisps were lying beside Daniel Morgan's body when he was found. It is not surprising that the barmaid was unable to remember the specific time at which she served Daniel Morgan on 10 March 1987, and precisely who was sitting where, given that she would have served a number of people that night, both before and after the discovery of the body.

351. No attempt was made to retrieve the till rolls from the bar, either on 10 March 1987 or subsequently. The till rolls might have given the time at which the crisps were bought by Daniel Morgan and might therefore have indicated when he was last in the bar. It is not known now whether such evidence could have been retrieved.

352. The barmaid later stated at the Inquest into Daniel Morgan's murder that, in December 1987, D/Supt Douglas Campbell had attended the Golden Lion public house and, while wearing a light-coloured raincoat, he had walked up and down in the bar, sat in the raised area and showed her a photograph. At the Inquest she stated that she understood this to be an attempt to jog her memory to see if she could remember seeing somebody in a raincoat.[496] She also stated that D/Supt Campbell had told her that the man to whom she had served the crisps was not in fact Daniel Morgan.[497] There is no record in the papers disclosed to the Panel of this attempt at a reconstruction taking place.

353. The attempt at a reconstruction by DCS Douglas Campbell of a man wearing a white coat walking around the Golden Lion public house, the reason for it and the barmaid's response to it, should have been recorded in the Morgan One Investigation papers. On reading the papers available to the Panel, it gives rise to the possibility that D/Supt Campbell was attempting to persuade the barmaid that she was wrong in her evidence and attempting to make her change that evidence, which would have been wholly improper.

In 2020, former D/Supt Campbell stated to the Panel that he had no recollection of meeting with the barmaid and staging the reconstruction. Former D/Supt Campbell also stated that he did not accept the suggestion that such a reconstruction could be considered to be an improper attempt to persuade the barmaid to change her evidence, and that it would instead have been an attempt to assist in her recollection.

496 Inquest transcript, Day 2, INT000002001, pp86-87, 12 April 1988.

497 Witness the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, p86, 12 April 1988.

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354. Police also investigated whether there was anybody in the bar who might have been mistaken for Daniel Morgan. One witness[498] had arrived in the Golden Lion about 9.15 pm and left the bar at 10.30 pm. He was among a group of three people who were sitting at a table '*at the very front of the Pub*'.[499] He did not know Daniel Morgan. The police suggested to the witness that, because he resembled Daniel Morgan '*slightly*' and walked with a limp[500] he might have been mistaken for Daniel Morgan.[501] However this suggestion did not lead to any further line of enquiry.

355. The Panel is satisfied that Jonathan Rees and Daniel Morgan were in the Golden Lion public house on the evening of 10 March 1987, that where they had been sitting cannot be stated definitively, and that Daniel Morgan bought two packets of ready salted crisps before he left the bar.

356. D/Supt Douglas Campbell directed that the Golden Lion public house should be revisited on the evening of 17 March 1987, a week after the murder, in an attempt to trace any additional potential witnesses to the murder. A police presence was established in the area of the Golden Lion between 7.00 pm and 10.00 pm,[502] with a mobile police station present. Customers in the Golden Lion public house '*and persons passing through Sydenham*'[503] were interviewed, including at least nine new potential witnesses, who had been in or around the public house on the night of the murder.[504] At least 99 statements were finally recorded from staff and customers who had been in the Golden Lion at some point during the evening of the murder.

357. The evidence provided by witnesses who had been present within the Golden Lion public house on the evening of 10 March 1987 has been carefully examined. As the Panel would expect in the context of a busy bar, there are many inconsistencies between their statements. Although a great deal of work was done, very little information of use to the investigation was secured.

4.5.3 House-to-house enquiries

358. House-to-house enquiries were carried out and occupants of houses near to the scene of the murder were asked whether they had seen or heard anything on the night of the murder. The parameters for house-to-house enquiries were described in an action raised on D/Supt Douglas Campbell's behalf on 13 March 1987.[505] The Policy File records that PS Phillip Barrett and DS Sidney Fillery were the officers in charge, as supervisors for the Catford Crime Squad, which was carrying out investigative tasks for the Morgan One Investigation.[506]

498 A witness who sat at the very front of the public house.
499 Statement of the witness who sat at the very front of the public house, MPS001575001, p1, 12 March 1987.
500 Daniel Morgan walked with a slight limp as a result of suffering from polio as a child.
501 Statement of the witness who sat at the very front of the public house, MPS001575001, p1, 12 March 1987.
502 Action A165 of Morgan One Investigation, MPS013228001, p1, 14 March 1987.
503 Witness statement of D/Supt Douglas Campbell, MPS010912001, p3, 07 March 1988.
504 Actions 224, 228, 243, 244, 245, 246, 247, 248, and 249 of Morgan One Investigation, MPS083125001, 18 March 1987.
505 Action A135 Supervise house to house, MPS013198001, p1, 13 March 1987.
506 Policy File for Morgan One, MPS004821001, p1, 11 March 1987.

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359. However, examination of the house-to-house questionnaire forms has confirmed that these enquiries actually started on the morning of 11 March 1987, supervised by DC Paul Lombard.[507,508] The areas that were to be visited were identified as being '*Immediate vicinity of scene*'.[509,510]

360. When house-to-house enquiries started on the morning of 11 March 1987, the Morgan One Investigation may not have known that Daniel Morgan and Jonathan Rees had been in the Golden Lion public house on 09 March as well as 10 March 1987. It is not known whether this was discussed when Jonathan Rees met D/Supt Douglas Campbell during the meeting at Catford Police Station in the early hours of 11 March 1987. There are no records of that meeting.

361. However, DS Sidney Fillery and PS Phillip Barrett, the officers in charge of conducting the house-to-house enquiries, knew that Daniel Morgan had been with Jonathan Rees in the Golden Lion public house on that date, as they had all been drinking there together (with others) that night.

362. DS Sidney Fillery and PS Phillip Barrett should have informed D/Supt Douglas Campbell that they and a number of other officers had been with Daniel Morgan and Jonathan Rees in the Golden Lion public house on 09 March 1987. D/Supt Campbell should then have extended the parameters of the enquiries to include the night of the 09 March 1987. Changing the parameters to include the 09 March 1987 would have been important because valuable information might have emerged. The Golden Lion was not a public house where Daniel Morgan was known to drink.

363. The status of these enquiries was reviewed on 19 March 1987 by DS Malcolm Davidson. It was confirmed on 09 April 1987 that these enquiries were complete.[511]

4.5.3.1 The house-to-house enquiry forms

364. In August 1988, PS John Riddell of the Hampshire/Police Complaints Authority Investigation reviewed the house-to-house enquiries and made the following comment:

> *'I have read the house-to-house files for the area immediately surrounding the scene of the murder, the originals of which are at the St. Mary Cray incident room.*
>
> *'As a general comment the house-to-house questionnairing* [sic] *was poorly undertaken & not fully completed. There is no marking-up of this documentation which would tend to indicate that once more there was no proper "reading" or follow-up to the information on the documents.'*[512]

507 Beige folders containing House to House enquiries, MPS015259001, MPS015257001, MPS015258001, MPS015255001, MPS015256001, MPS015261001.
508 Action A135 Supervise house to house, MPS013198001, p1, 13 March 1987.
509 Parts of Girton Road, Sydenham Road, Trewsbury Road, Loxley Close and Allendale Close.
510 Beige file entitled policy file in the case of Daniel Morgan's murder, MPS017096001, p1, undated.
511 Actions 256 to 259 were allocated to complete outstanding house to house enquires in each area, MPS013319001, MPS013320001, MPS013321001, MPS013322001, 19 March 1987.
512 Report concerning house-to-house enquiries by the Metropolitan Police, MPS022904001, 23 August 1988.

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365. The Panel reviewed all the house-to-house enquiry questionnaire forms and the accompanying Personal Descriptive Forms completed by the investigation team. There is considerable variation in the quality of the completion of these forms. The forms confirm that the police officers conducting these enquiries asked householders to comment on anything they had seen on the evening of 10 March 1987 (only two questionnaires[513] of the 144 available to the Panel refer to any other date). The Panel has identified two questionnaires where there were missed opportunities to follow up lines of enquiry:

i. One person said that although he had not seen anything between 5.00 pm on 10 March 1987 and the morning of 11 March 1987, he had seen two men hanging around sometime around 7.30 pm to 8.00 pm on Monday 09 March 1987, the evening before the murder.[514]

When police officers returned to take further details, he added that they had been waiting around by some parked cars close to the fence of the Golden Lion public house. The men had reportedly walked off towards the main road when the witness opened his front door. The witness could offer only a vague description of them as *'two white men'*. The officers recorded that the witness was elderly, seriously ill, and that he could not offer anything further. The record is marked '*NFA*' (no further action).[515]

ii. A witness, who had been sitting in a vehicle in Loxley Close with a friend at around 10.05 pm on 10 March 1987, said that a man parked in Loxley Close and looked through the fence of the car park of the Golden Lion public house. The unidentified man and his vehicle were not described, and no statement was taken by the Morgan One Investigation from the witness.[516]

The friend of the witness sitting in the car did not live in the area, but she contacted the investigation team to provide her evidence.[517] DS Christopher Horne was instructed to take a statement. Police Officer A27, however, was of the view that, because the man she identified was observed after Daniel Morgan's body was found, there was '*little point*' in taking a statement,[518] and consequently none was taken.

513 House to House Enquiry Questionnaires 006/001/01 and 006/002/01, MPS015260001, pp3-4 and 7-8, undated.
514 House to House Enquiry Questionnaires 006/001/01 and 006/002/01, MPS015260001, pp3-4, undated.
515 Action 397 to see a local resident regarding males 'hanging about', MPS013460001, 11 March 1987.
516 House to House Enquiry Questionnaire 006/013/01, MPS015260001, pp47 and 65, undated.
517 Message 205 reporting a witness looking through the fence of the Golden Lion public house, MPS012265001, 24 March 1987.
518 Action 719 to interview and take a statement from a witness sitting in nearby vehicle, MPS013782001, pp1-2, allocated on 26 April 1987; returned on 03 June 1987.

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366. There is no evidence that the Morgan One Investigation, in particular D/Supt Douglas Campbell whose overall responsibility it was, considered the possibility that those planning the murder may have visited the Golden Lion public house the night before the murder. Daniel Morgan was murdered in a dark corner of the Golden Lion car park which appears to have been a carefully selected location.

The sighting of two men in the car park at the Golden Lion public house on 09 March 1987 was potentially significant, because of the additional possibility that the suspects intended to kill Daniel Morgan while he was at the Golden Lion that evening, the night before the murder actually occurred. A statement should have been taken from the person who had identified this during house-to-house enquiries.

The Panel cannot identify who made the decision to limit the house-to-house enquiries to the night of the murder and not the preceding night, and to the particular locations that were chosen.

367. Statements should also have been taken from the two witnesses who saw a man park his car and look through the gap in the fence at Loxley Close into the Golden Lion public house car park on 10 March 1987, to establish whether any investigative opportunities existed.

368. A witness who lived in a flat which had a balcony that provided a view of the back left-hand corner of the Golden Lion public house and its car park, stated on 12 March 1987 that at about 9.30 pm on 10 March 1987 there was '*a big American type of car*' which reversed back into the far left corner of the car park and then drove out.[519] On 06 May 1987 the witness subsequently described the car as '*a light colour but not white, maybe a cream*', '*the shape of a Cadillac but lower than the usual type, the make of which I am not sure. The headlights were quite low and further apart than a British make of car*.' The witness was '*positive it was an American type of car*'.[520] Police attempted to identify the car but were unable to do so. Police also checked to see whether any customers in the Golden Lion had described such a car. They had not.[521]

369. In another statement, the same witness stated that he recognised Daniel Morgan '*as a regular*' at the Golden Lion public house having seen him park his car and walk through the garden into the Golden Lion from the car park on several occasions, including on Saturday and Sunday afternoons. He said he remembered Daniel Morgan because of his green BMW car and his '*full set*' of beard and moustache.[522] Although the officer who obtained the statement from

519 Witness statement of a resident of a nearby flat, MPS010167001, p2, 12 March 1987.
520 Witness statement of a resident of a nearby flat, MPS010168001, pp2 and 4, 06 May 1987.
521 Action A325, MPS013388001, p1, 20 March 1987.
522 Witness statement of an resident of a nearby flat, MPS016561001, p1, 23 October 1987.

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the witness suggested that weekend staff at the Golden Lion public house and Iris Morgan should be spoken to, to ascertain whether they could corroborate this information,[523] no further enquiries were carried out until the Hampshire/Police Complaints Authority Investigation.[524]

370. No other evidence came to light during these enquiries indicating that Daniel Morgan was a regular visitor to the Golden Lion public house. Information from another police officer led the Morgan One Investigation to consider whether the car seen by this witness was a Zephyr/Zodiac (described by the police officer as a '*Ford executive white*') owned by a man who lived locally.[525] The car-owner stated that he had not been to the Golden Lion for 12 years and that, although he sometimes visited the area, to the best of his knowledge he was not in the car park on 10 March 1987.[526] Police concluded that the car seen at the Golden Lion public house was not the Ford Zephyr.

371. Further house-to-house enquiries were carried out at properties adjacent to Daniel Morgan's home on Warminster Road to establish whether neighbours could recall anything to assist the investigation.

372. On 23 June 1987, it was confirmed that no useful information had emerged from these enquiries.[527]

373. Actions were taken as a result of some of the house-to-house enquiries, but the enquiry forms were generally poorly completed. No evidence was found to corroborate any of the statements made by the witness who claimed to have seen an American-style car or to have seen Daniel Morgan in the Golden Lion public house on previous occasions including Saturday and Sunday afternoons.

4.5.3.2 Business premises

374. Enquiries to trace witnesses were also carried out at business premises close to the Golden Lion public house. Staff at an adjacent supermarket,[528,529] the kebab shop opposite[530] and a Chinese takeaway restaurant[531] on Sydenham Road were interviewed, as were members of the staff at the Nightingale nursing home,[532] which was close to the scene.

375. The licensee and four staff members from the Dolphin public house, which is opposite the Golden Lion public house, were identified, with the intention of asking them about events there on the evenings of 09 and 10 March 1987.[533] Only two of the staff members were interviewed

523 Action A1258 to re-interview a local resident, MPS014321001, p1, 06 October 1987.
524 Report of DI Trevor Witt, MPS022302001, 08 October 1988.
525 Message 359 from a Police Constable regarding a white Zephyr/Zodiac car, MPS028582001, p1, 19 October 1987.
526 Witness statement of a local resident, MPS010898001, p1, 28 January 1988.
527 Action 609 to make house to house enquiries at dwellings adjacent to Daniel Morgan's house, MPS013672001, p1, allocated 13 April 1987, returned 23 June 1987.
528 Action 211 to take the statement of the manager of the supermarket adjoining the Golden Lion public house, MPS013274001, p1, allocated 10 March 1987.
529 Witness statement from an employee of a business near to the Golden Lion public house, MPS010263001, 17 March 1987.
530 Action 139 to make enquiries of staff at kebab shop opposite the Golden Lion public house, MPS013202001, pp1-3, allocated on 13 March 1987.
531 Action 140 to make enquiries and obtain statements from staff at Chinese takeaway, MPS013203001, pp1-2, allocated 13 March 1987.
532 Action 232 to make enquiries at Nightingale Nursing home, MPS013295001, allocated 18 March 1987.
533 Action 215 to obtain statements from the bar staff of the Dolphin public house who were on duty on 9 and 10 March 1987, MPS013278001, pp1-2, allocated 17 March 1987, returned 09 June 1987.

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by the Morgan One Investigation.[534,535] The remaining two and the licensee were not interviewed until October 1988, when they were interviewed by the Hampshire/Police Complaints Authority Investigation team.[536,537,538] Eight customers in the Dolphin public house were identified, traced and interviewed or spoken to.[539,540,541,542,543,544,545,546]

376. Five young men who had been together at the Golden Lion public house and at the kebab shop opposite on the evening of the murder were identified and statements were taken from them.[547,548,549,550,551] Some of the group told the police that they saw a fight in Sydenham Road at about 8.30 pm on 10 March 1987. Police sought unsuccessfully to trace those involved.[552] No useful information was recovered from these enquiries.

4.6 Appeals for information

4.6.1 Incidents reported to the police of alleged suspicious behaviour occurring before 10.00 pm on 10 March 1987

377. Appeals for information were made on all principal London radio and television channels: LBC,[553] BBC Radio London, Capital Radio, and *Police Five* on local independent television.[554] Appeals were also made in the *Police Review*, and internally through *The Police Gazette*, which was circulated to all law enforcement agencies in the United Kingdom. Two special notices were published in *The Police Gazette* in April and November 1987 seeking information about the murder of Daniel Morgan.[555]

378. In July and August 1987, appeals were made for information regarding the murder of Daniel Morgan in the *Professional Investigator* magazine and the *Bailiffs Journal*.[556,557]

379. Information was received regarding the period before Daniel Morgan's murder and up to 10.40 pm on 10 March 1987. A number of witnesses reported events which they considered might be relevant to the investigation of Daniel Morgan's murder, including information relating to the following:

534 Witness statement of a staff member at the Dolphin public house, MPS010553001, 08 April 1987.
535 Witness statement of a staff member at the Dolphin public house, MPS010556001, 08 April 1987.
536 Witness statement of the licensee at the Dolphin public house, MPS010960001, 18 October 1988.
537 Witness statement of a staff member at the Dolphin public house, MPS010963001, 13 October 1988.
538 Witness statement of a staff member at the Dolphin public house, MPS010964001, 13 October 1988.
539 Witness statement of a customer at the Dolphin public house, MPS010836001, 16 November 1987.
540 Witness statement of a customer at the Dolphin public house, MPS010527001, 06 April 1987.
541 Witness statement of a customer at the Dolphin public house, MPS010324001, 16 March 1987.
542 Action A230, MPS013293001, 18 March 1987.
543 Witness statement of a customer in the Dolphin public house, MPS010835001, 16 November 1987.
544 Witness statement of a customer in the Dolphin public house, MPS010837001, 16 November 1987.
545 Witness statement of a customer in the Dolphin public house, MPS010845001, 18 November 1987.
546 Witness statement of a customer in the Dolphin public house, MPS010843001, 18 November 1987.
547 Witness statement of a customer at the Golden Lion, MPS010457001, 24 March 1987.
548 Witness statement of a customer at the Golden Lion MPS010504001, 31 March 1987.
549 Witness statement of a customer at the Golden Lion, MPS010171001, 28 April 1987.
550 Witness statement of a customer at the Golden Lion, MPS010391001, 18 March 1987.
551 Witness statement of a customer at the Golden Lion, MPS010177001, 11 March 1987.
552 Action A326 to identify two men referred to in statement of a customer at the Golden Lion, MPS013389001, p1, allocated 23 March 1987.
553 London Broadcasting Company (LBC) Radio.
554 Witness statement of D/Supt Douglas Campbell, MPS010912001, p3, 07 March 1988.
555 Editions of the Police Gazette, MPS011184001, 03 April 1987 and MPS011475001, 20 November 1987.
556 The Professional Investigator, MPS011413001, July/August 1987.
557 The Bailiffs Journal, MPS011444001, August 1987.

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i. A man carrying a plastic bag who came in through the back door of the Golden Lion public house after Daniel Morgan had left but before police had arrived.[558]

ii. A man, who was '*sort of Italian looking, probably foreign, mid-European, between twenty-two and twenty-five years old, around 5'10" or 6' tall*, *who appeared at around 9.00pm and looked into the bar three times. On the final occasion he was accompanied by another man who had tight curly hair that was quite short and close to his head*.' Both men then walked away.[559]

iii. A white man wearing a pale blue jacket with quite thick eyebrows, fairly long hair parted on his left side, and quite a pale face, who was said to have looked into the window of the saloon bar of the Golden Lion public house at 8.45 pm.[560]

iv. Two men who were seen arguing between about 7.20 pm and 7.25 pm on 10 March 1987 outside the Golden Lion public house.[561]

v. A group of youths who were seen arguing with a black man at the bottom of Berrymans Lane at the junction with Sydenham Road, sometime after about 9.00 pm.[562,563] There was no report to police of any such incident at the time that this was alleged to have occurred.[564]

vi. A policeman was talking to a man with a skinhead cut at 10.40 pm outside the Golden Lion public house, who had a friend who was known to have carried an axe in the past.[565]

380. All of the above reports were investigated but no useful information was identified.

4.6.2 A telex appeal for information within the Metropolitan Police

381. A telex message (an early form of electronic communication) was sent throughout the Metropolitan Police, asking any police officers who had had dealings with or had knowledge of Daniel Morgan to contact the incident room.[566] It is not recorded how many police officers came forward as a result of this appeal.

382. It was considered unusual for Jonathan Rees to be in the company of Daniel Morgan when socialising with police officers, as had been the case on 09 March 1987. D/Supt Douglas Campbell stated that he therefore caused 43 police officers who served, or who had served, at Catford Police Station to be interviewed *'regarding their meetings with REES or MORGAN over the preceding 2/3 years'*. Seventeen of the officers admitted having met Jonathan Rees, following introduction by DS Sidney Fillery. None of the officers had ever met Daniel Morgan.[567]

558 Witness statement of Person T4, MPS000141001, p4, 12 March 1987.
559 Witness statement of a member of the public, MPS000132001, p1, 11 March 1987.
560 Witness statement of a member of the public, MPS001579001, p1, 13 March 1987.
561 Witness statement of a member of the public, MPS001912001, p1, 12 March 1987.
562 Witness statement of a member of the public, MPS001598001, pp1-2, 13 March 1987.
563 Witness statement of a member of the public, MPS016395001, pp2-3, 13 March 1987.
564 Action A366 of Morgan One Investigation, MPS013429001, p1, 20 March 1987.
565 Message 2 from a member of the public, MPS083124001, p3, 11 March 1987 / Witness statement of a member of the public, MPS001579001, p1, 13 March 1987.
566 MMS Message from the murder incident room to all officers, MPS036415001, 16 March 1987.
567 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS022269001, p12, 22 January 1988.

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4.6.3 *The* Crimewatch *programme*

383. An appeal for information was made in a BBC *Crimewatch* television programme broadcast on 23 April 1987. It sought the following:

i. '*Any information on the axe (which had two strips of elastoplast© around the handle)*;

ii. *The missing Rolex watch*;

iii. *Any witnesses who saw anyone leaving the scene between about 9 pm and 9.40 pm*;

iv. *Two men were seen looking through the door of the Golden Lion. The first is described as Italian looking, 22-25, 5'10" to 6', broad shouldered with jet black hair, quite a gaunt face, and wearing a leather jacket. He looked through the pub door about three times. On the third time he was with another man who's described as having tight curly hair which is short and close to the head.* [An appeal for these two men to come forward was made.]

v. *Anyone with any information which may help solve the crime, i.e. Do you know who did it?*'[568]

384. After the broadcast of *Crimewatch*, the investigation team received information which led to several enquiries in London, Bridlington, Chester, Kent and Worcestershire. The Panel has considered that information. However, nothing of value emerged from these enquiries.

385. The family of Daniel Morgan were not consulted by either the Metropolitan Police or the BBC during the making of the programme. The way in which Daniel Morgan was portrayed during the *Crimewatch* programme caused considerable distress to his wife and family, because it was regarded as inaccurate and unfair to Daniel Morgan. This matter is dealt with in Chapter 12, The Treatment of the Family.

386. A considerable amount of work was done on this aspect of the investigation into Daniel Morgan's murder. D/Supt Douglas Campbell made good use of the media in his attempts to trace information about the axe, and about where, when and by whom it was purchased. However, the Panel considers that the request for information about anyone leaving the Golden Lion public house between 9.00 pm and 9.40 pm on 10 March 1987 was too limited. It should have been extended to start earlier, for example about 8.00 pm.

4.7 Enquiries into the axe

387. Among the earliest lines of enquiry to be pursued were the origin of the murder weapon, enquiries regarding people who were known to carry axes and a review of other incidents involving axes. A decision was made on 11 March 1987 to hold a press conference and to show an axe similar to that used in the murder in an attempt to establish where, when and by whom the axe had been purchased.[569]

568 '*Crimewatch Programme listing*', MPS011208001, pp9-10, 16 April 1987.

569 Policy File for the case of Daniel Morgan, Decision 2, MPS004821001, p3, 11 March 1987.

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388. On 12 March 1987 a decision was made to obtain a '*duplicate axe for publicity*'.[570] LBC and BBC Radio London carried appeals on 13 and 14 March 1987. The radio script stated the following:

> *'We are keen to trace the origin of the murder weapon, a small axe which was found at the scene. Made in China by Diamond brand, the axe is quite common and easily available for about £4.50. It has a 14 inch handle with a black four by six inch blade with a silver edge. The axe used in the murder had two strips of sticking plaster on the handle and didn't appear to have any marks on it so we think it was quite new. If you're a shopkeeper and have sold one recently, particularly in the South London area, we need to hear from you.'*[571]

389. Listeners were encouraged to telephone either the incident room at Sydenham Police Station or New Scotland Yard, the headquarters of the Metropolitan Police.[572] Various calls were received, and consequential enquiries were made at the Forensic Science Laboratory and in relation to manufacturers, distributors and distribution points for such axes, and about retailers in London, Kent, Brighton, Coventry, Chester, Sheffield, Mexborough and Bridlington. Three days after the murder, the Metropolitan Police had already concluded that the axe was '*quite common*' and '*easily available*'.[573] The enquiries continued, however, until 30 September 1987. Nothing further of use to the Morgan One Investigation was learned.

390. Appropriate enquiries were made by the Morgan One Investigation to secure information about the axe.

4.7.1 Allegations about people associated with Daniel Morgan who were known to have carried axes

391. Information was received concerning two apparently unconnected individuals who were known to have axes, both of whom were linked to Daniel Morgan through his work. Both incidents had occurred some two years previously:

i. It was reported that a man arrived to collect items from a car repossessed by Daniel Morgan, which had been parked at Daniel Morgan's office,[574] and the car in which he arrived had a '*carpenters "feathering" axe*' lying on the passenger seat.[575] The owner of the car was not identified by the Morgan One Investigation. No further useful information could be found relating to the matter.

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570 Action A89 Obtain duplicate axe for publicity, MPS013151001, 12 March 1987.
571 Copy of Press Bureau Broadcast, MPS011110001, pp2-6, 13 March 1987.
572 Copy of Press Bureau Broadcast, MPS011110001, p4, 13 March 1987.
573 Press bureau broadcast script for 13 March 1987, MPS011110001, p4, 13 March 1987.
574 Witness statement of Laurence Bucknole, MPS016851001, p4, 17 March 1987.
575 Witness statement of someone who carried out building work for Daniel Morgan, MPS010282001, p5, 15 March 1987.

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ii. Jane Morgan, Daniel Morgan's sister, told the Morgan One Investigation on 17 March 1987 that Daniel Morgan had dealt with a case in which a man who was involved with a female acquaintance of Iris Morgan, '*apparently chased Danny with an axe or machete and Danny had to run for his life and climb walls to escape him. Danny either got into somebody else's flat and rang the police or escaped somehow.* [...] *This would have been about two years ago.*'[576]

Police sought to trace this person, but neither the woman's identity nor that of the man with the axe or machete, who had chased Daniel Morgan was ascertained. There is no record that Iris Morgan was asked about this matter.[577]

392. Iris Morgan should have been asked about the incident described by Jane Morgan so that further investigation could have occurred as appeared necessary.

4.8 Enquiries into street thefts and incidents involving knives and similar weapons and axes

393. Police sought to ascertain whether there were any recorded incidents in which knives or similar weapons had been used in the Catford area since the start of the year.[578] Forty-two incidents were identified, but a subsequent examination found that none of them contained any details to connect them to the murder of Daniel Morgan.[579,580]

394. Police also obtained details of attacks or robberies where an axe or similar weapon had been used. Four robberies, and the details of those persons suspected of carrying them out, were listed as a result.[581] D/Supt Douglas Campbell requested full details of the suspects, and it was reported that a Detective Constable had produced '*dockets*' (reports) for him. No docket has been seen by the Panel within the material which is available. The investigative action was marked '*NFA*' (no further action).[582]

395. It is not possible to assess the outcome of these enquiries from the papers available to the Panel.

4.9 The whereabouts of Daniel Morgan's watch

396. Iris Morgan stated on 17 March 1987 that Daniel Morgan had been wearing a Rolex watch on the day that he was murdered.[583] However, no watch was retrieved from Daniel Morgan's body, at any stage, and differing accounts were given by those who had contact with Daniel Morgan's body as to whether one had been present.[584,585]

576 Witness statement of Jane [Morgan], MPS010389001, p19, 17 March 1987.
577 Action 509 Morgan One, MPS013572001, 02 April 1987.
578 Action 154 Morgan One, MPS013217001, 14 March 1987.
579 Details of all robberies using knives since 1 January 1987, MPS011142001, undated.
580 Action 349 Morgan One, MPS013412001, 20 March 1987.
581 Action 155 Morgan One, MPS013218001, 14 March 1987.
582 Action 212 Morgan One, MPS013275001, 16 March 1987.
583 Statement of Iris Morgan, MPS000006001, p7, 17 March 1987.
584 Statement of DS Graham Frost, MPS018107001, p1, 26 April 1989.
585 Statement of the Scenes of Crime Officer, MPS002165001, p2, 13 November 2007.

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397. The matter caused a great deal of distress to the family of Daniel Morgan and remains unresolved.

398. DS Graham Frost, the Forensic Intelligence Officer at the crime scene, stated Daniel Morgan had a '*quantity of cash*' in his pocket.[586] As the cash was not stolen, this makes the motive of robbery unlikely.

399. Police sought to establish whether Daniel Morgan's watch would be identifiable if it were found. On 16 March 1987 police officers interviewed the man who had insured the watch for Daniel Morgan.[587] He produced for the police a copy of the policy, a receipt for its purchase and a photograph of the watch.[588] He told the police that the watch had a unique serial number.

400. The Morgan One Investigation subsequently visited South London pawnbrokers in an attempt to trace the missing Rolex watch.[589] Pawnbrokers were also checked in areas in Yorkshire, where Jonathan Rees was born.[590] It was reported that an officer from South Yorkshire Police spent three days on this action, but all enquiries were negative.[591] Details of the watch were circulated in the Retail Jeweller and British Jeweller trade magazines with an appeal to contact the murder squad at Sydenham Police Station with any information.[592]

401. In addition to the searches made on 03 April 1987, the properties of other potential suspects were searched to see whether the watch could be found: two on 17 March 1987 and one on 01 April 1987. Nothing was found.[593,594]

402. The matter of Daniel Morgan's missing watch was considered by all the subsequent investigations:

i. In 1989 DS Graham Frost stated that he had not observed a wristwatch on Daniel Morgan's body, and that he was the only officer to search Daniel Morgan's body at the scene.[595]

ii. In 1989 DC Noel Cosgrave stated that he '*was unable to say if there was a wristwatch*' on Daniel Morgan's body and that he *'was never aware that a wrist watch was stolen from the body of Daniel MORGAN'*.[596]

iii. In 2002 following the *Crimewatch* appeal, DC Noel Cosgrave told the Abelard One/Morgan Two Investigation that he was sure that Daniel Morgan had been wearing a watch.[597,598]

586 Statement of DS Graham Frost, MPS015685001, 23 July 1987.
587 An insurance broker who had offices in the same building as Southern Investigations.
588 Witness statement of the insurance broker who had offices in the same building as Southern Investigations, MPS002006001, p1, 16 March 1987.
589 Action 572 to enquire with local pawn brokers regarding a Rolex watch, MPS013635001, allocated 10 April 1987, returned 16 April 1987.
590 Action 577 to find out what area in Yorkshire Jonathan Rees frequents and make enquiries at local pawn brokers and jewellers, MPS026917001, p1, allocated 10 April 1987, returned 06 October 1987.
591 Action 577 to find out what area in Yorkshire Jonathan Rees frequents and make enquiries at local pawn brokers and jewellers, MPS026917001, p2, allocated 10 April 1987, returned 06 October 1987.
592 Action 573 to make enquiries with Horological & Watch Trade magazines to circulate watch therein, MPS013636001, 10 April 1987.
593 Action 209, MPS013272001, p1, 16 March 1987.
594 Action 387, MPS013450001, p1, 23 March 1987.
595 Witness statement of DS Graham Frost, MPS010727001, p1, 26 April 1989.
596 Witness statement of Noel Cosgrave, HAM000479001, pp1-2, 19 April 1989.
597 Message M25 from DC Noel Cosgrave, MPS008108001, p1, 26 June 2002.
598 Witness statement of DC Noel Cosgrave, MPS000158001, p1, 06 August 2002.

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iv. In 2007, the Scenes of Crimes Officer who had been at the scene of the murder said that he vaguely recalled seeing a wristwatch on Daniel Morgan's wrist, which was gold-coloured and looked expensive. He said that neither he nor DS Graham Frost removed it.[599] There are no photographs showing Daniel Morgan wearing his watch after he was found having been murdered. Evidence was received in 2009 that the watch had been stolen during the murder. (see Chapter 8, The Abelard Two Investigation).

403. The Panel is unable to confirm whether Daniel Morgan was wearing his watch when he was murdered. If he was wearing the watch then it is now impossible to say if it was taken by the murderer(s), a member of the public who chanced upon the body before the police responded to the call notifying them of Daniel Morgan's murder, a police officer or any other person involved in the handling of Daniel Morgan's body prior to the post mortem taking place.

404. The Panel is satisfied that the Morgan One Investigation and subsequent investigations took appropriate steps to try and find Daniel Morgan's Rolex watch.

4.10 Early interactions between Daniel Morgan's family and the police

4.10.1 The visits by Alastair Morgan to Catford Police Station on 11 and 12 March 1987 and subsequent statements about Belmont Car Auctions

405. Alastair Morgan, Daniel Morgan's brother, has said that, on 11 March 1987, he went to Sydenham Police Station, intending to try to speak to DS Sidney Fillery, whom he had previously met with Daniel Morgan and Jonathan Rees, and was told that DS Fillery was out on enquiries.[600] He has told the Panel that he met DI Allan Jones instead, who asked him, among other things, what he had been doing on the night of Daniel Morgan's murder and said that he should return the following afternoon to see DS Fillery[601] (see Chapter 12, The Treatment of the Family).

406. DI Allan Jones was asked during the Inquest about who was present at this meeting on 11 March 1987, and said, '*I did not speak to him* [Alastair Morgan] *for long but the officer I was with I do not recall now*'.[602] No note was made of the meeting between Alastair Morgan and DI Jones.

407. Alastair Morgan has told the Panel that he returned the following day, 12 March 1987, and met DI Allan Jones and DS Sidney Fillery.[603] This is consistent with the evidence Alastair Morgan gave at the Inquest in 1988. However, during the Inquest DI Jones and DS Malcolm Davidson both disagreed with Alastair Morgan's recollection that DI Jones spoke to him on 12 March 1987 with DS Fillery. DI Jones told the Coroner, '*I do not know whether anybody saw him* [Alastair Morgan] *on 12th*'.[604] DS Davidson confirmed to the Coroner that he had an '*informal conversation*' with Alastair Morgan on 12 March 1987 with DS Fillery, but that DI Jones was not

599 Witness statement of the Scenes of Crime Officer, MPS002165001, p2, 13 November 2007.
600 *Untold: The Daniel Morgan murder exposed* by Alastair Morgan, pp37-38
601 Panel interview with Alastair Morgan, pp8 and 17, 23 February 2015.
602 Witness DI Allan Jones, examined by the Coroner, Inquest Day Five, INT000005001, p23, 15 April 1988.
603 Panel interview with Alastair Morgan, p6, 23 February 2015.
604 Witness DI Allan Jones, examined by the Coroner, Inquest Day Five, INT000005001, p23, 15 April 1988.

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present.[605] There is no written record of the meeting with Alastair Morgan on 12 March 1987. Alastair Morgan has informed the Panel that at that meeting, he told DI Jones and DS Fillery that he believed that the Belmont Car Auctions case had something to do with his brother's murder.[606] At this stage Alastair Morgan did not know that DS Fillery had any involvement with the Belmont Car Auctions issue.[607]

408. A statement was taken from Alastair Morgan the following day, 13 March 1987, which did not contain any information about the Belmont Car Auctions issue.[608] A second statement, dated the 18 November 1987, in which Alastair Morgan referred to differences between his brother Daniel Morgan and Jonathan Rees, did not refer to Belmont Car Auctions.[609]

409. The first statement recorded by the police in which Alastair Morgan referred to the Belmont Car Auctions issue was dated 05 May 1988. Alastair Morgan stated that Peter Newby, Southern Investigations' Office Manager, had said at the Inquest that former DS Sidney Fillery had been given a Belmont Car Auctions file.[610]

410. As there is no contemporaneous record of Belmont Car Auctions being raised by Alastair Morgan before 1988, the Panel cannot identify when and to what extent Alastair Morgan first communicated his views about Belmont Car Auctions to the Metropolitan Police.

4.10.2 A significant telephone call to Iris Morgan's house

411. On 13 March 1987, the day Alastair Morgan made his first statement to police, Iris Morgan's brother-in-law, answered a telephone call to Iris Morgan's home. The caller allegedly said that he was a police officer, that Alastair Morgan was '*getting in the way of the investigation and that the family should urge me* [Alastair Morgan] *to leave London and go back to Hampshire*'.[611] Alastair Morgan gave evidence about this phone call at the Inquest in 1988.[612]

412. In statements made in 2000, Jane Morgan said that she had not initially told Alastair Morgan about the telephone call, instead telling him that the family had to return to Wales and rest. When he became very angry at this suggestion, she told him the truth about the call.[613] Alastair Morgan stated that he had then contacted DI Allan Jones with whom he had '*had a row*' about the issue, but that he was unable to provide the name of the officer who had made the call. He had told DI Jones that, not only was he not leaving London, but he would be coming into the police station the following day to make a statement.[614]

605 Witness DS Malcolm Davidson, examined by the Coroner, Inquest Day Five, INT000005001, p23, 15 April 1988.
606 Panel interview with Alastair Morgan, p6, 23 February 2015.
607 Panel interview with Alastair Morgan, p7, 23 February 2015.
608 Witness statement of Alastair Morgan, MPS010223001,13 March 1987.
609 Witness statement of Alastair Morgan, MPS010224001, 18 November 1987
610 Witness statement of Alastair Morgan, MPS035913001, pp1-2, 5 May 1988
611 Witness statement of Alastair Morgan, MPS001922001, p22, 16 May 2000.
612 Witness Alastair Morgan, Transcript of the Inquest into the death of Daniel Morgan: notes of proceedings for the fifth day, INT000005001, p25, 15 April 1988.
613 Witness statement of Jane Morgan, MPS077673001, pp6-7, 21 December 2000.
614 Witness statement of Alastair Morgan, MPS001922001, pp22-23, 16 May 2000.

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413. Daniel Morgan's family later identified DS Sidney Fillery as having been the officer who made the telephone call. It is not clear when this identification happened. Alastair Morgan told the Inquest in 1988 that he '*later learnt from my sister that these telephone calls were either from Mr Fillery himself or junior officers under the direction of Mr Fillery*'.[615] Alastair Morgan stated in 2000 that Jane Morgan only remembered the name of the officer when DS Fillery was arrested.[616] Jane Morgan said in 2000 that Iris Morgan's brother-in-law had named DS Fillery as the officer who had made the call.[617]

414. During the Inquest, DS Sidney Fillery denied making any such call, saying that he '*would not do such a disgusting thing*' and that he had '*never phoned* [the Morgan] *family*'.[618]

415. No statements were taken about this matter from any member of the Morgan family who was present at the time of the incident which both Alastair Morgan and Jane Morgan described.

416. There is no evidence that Alastair Morgan's concerns about a police officer making a telephone call asking the family to get him out of London were considered by the Morgan One Investigation.

417. The allegation about the phone call reportedly received from DS Sidney Fillery should have been investigated by the Morgan One Investigation as soon as they became aware of it. The earliest contemporaneous evidence the Panel has seen in relation to this allegation is from 1988, when the issue was raised at the Inquest.

418. The Panel sought to interview Iris Morgan's brother-in-law about this call, but, despite repeated attempts to contact him, was unable to do so.

4.11 Investigating the reason why Daniel Morgan and Jonathan Rees went to the Golden Lion public house and who was there

4.11.1 The events of 09 March 1987

419. An early focus of the Morgan One Investigation was the period immediately before the murder of Daniel Morgan. D/Supt Douglas Campbell had established that Daniel Morgan had not been known by the staff at the Golden Lion public house. Having learned that Jonathan Rees and Daniel Morgan had been at the Golden Lion on both 09 and 10 March 1987, D/Supt Campbell sought to establish their movements on both days, and why Daniel Morgan had parked his car in such a dark corner of the car park on 10 March 1987.

420. The Golden Lion public house in Sydenham was some four miles from the office of Southern Investigations. It was not on the way home for Daniel Morgan, Jonathan Rees or DS Sidney Fillery, all of whom lived in different locations some distance from the Golden Lion. Police also sought to establish whether it was a place Daniel Morgan had been before 09 March 1987. However, this was not conclusively established.

615 Witness Alastair Morgan, Transcript of the Inquest into the death of Daniel Morgan: notes of proceedings for the fifth day, INT000005001, p25, 15 April 1988.
616 Witness statement of Alastair Morgan, MPS001922001, p22, 16 May 2000.
617 Witness statement of Jane Morgan, MPS077673001, p5, 21 December 2000.
618 Witness former DS Sidney Fillery, examined by June Tweedie, Transcript of the Inquest into the death of Daniel Morgan: notes of proceedings for the sixth day, MPS015478001, p115, 18 April 1988.

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4.11.1.1 The movements of Daniel Morgan and Jonathan Rees on the day of 09 March 1987

421. There is little clarity about the movements of Daniel Morgan and Jonathan Rees on 09 March 1987, the day before the murder. Daniel Morgan's diary for 09 March 1987 showed that he served a number of court orders.[619] Michael Goodridge, solicitor, gave a statement that on the afternoon of 09 March 1987, Daniel Morgan came to his office to swear an affidavit.[620] Jonathan Rees's diary for that date showed only a scribbled note, which does not appear relevant to the murder investigation.[621] There was no clarity as to the time at which Jonathan Rees and Daniel Morgan entered and left their office that day. The Office Manager of Southern Investigations, Peter Newby, gave inconsistent evidence about the movements of Daniel Morgan and Jonathan Rees, in a series of statements.[622,623,624,625] A person who was decorating the Southern Investigations offices on 09 March 1987 stated that Daniel Morgan was still in the office between 5.30 pm and 6.00 pm on 09 March 1987.[626]

4.11.1.2 Establishing who was in the Golden Lion public house

422. On 11 March 1987, Jonathan Rees had stated that he and Daniel Morgan had met a group of police officers on the evening of 09 March 1987 in the Golden Lion public house, the night before Daniel Morgan was murdered in the car park there, and that they had been there from 7.30 pm until 10.00 pm.[627]

423. On 16 March 1987, a decision was recorded to obtain statements from DS Sidney Fillery, PS Phillip Barrett, PC Alexander Gibbs, PC Michael Latham and WPC Maureen Fentiman, all of whom, it had been said, '*were in the Golden Lion on 9/3/87*'.[628] Some of the statements were taken before the decision was recorded in the investigation system.

424. DS Sidney Fillery stated on 14 March 1987 that on 09 March 1987, '*at about 9.15 pm I went with Police Sergeant BARRETT, Police Constable LATHAM and Police Constable THOROGOOD to "the Golden Lion" pub*'. Having seen Jonathan Rees's car parked outside, he had gone to the Dolphin pub across the road, after which Jonathan Rees and Daniel Morgan had joined them in the Golden Lion. He stated that he was '*the last to leave*' of the police officers, leaving '*at about 10 pm*'.[629]

425. PS Phillip Barrett said that he went to the Golden Lion public house at about 8.30 pm and followed DS Sidney Fillery into the saloon bar. He said he ordered drinks and that DS Fillery said he thought '*a couple of* [his] *mates*' were across the road and he went to get them. PS Barrett was introduced to Jonathan Rees and Daniel Morgan. PC Alexander Gibbs and PC Michael Latham were also there. PS Barrett left at 9.30 pm.[630]

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619 Diary of Daniel Morgan, MPS011086001, p11, 1987.
620 Witness statement of Michael Goodridge, MPS000073001, p2, 14 March 1987.
621 Diary of Jonathan Rees, MPS011657001, p12 1987.
622 Peter Newby initially stated that both Jonathan Rees and Daniel Morgan were in the Southern Investigations office between 4.30 pm and 4.50 pm on 09 March 1987 and both left within two or three minutes of each other, Daniel Morgan leaving for a meeting in Beckenham. In a later statement, dated 30 March 1987, Peter Newby said that Daniel Morgan returned to the office at about 4.50 pm and left at 5 pm, having been out since about 11.30 am. He stated that both Daniel Morgan and Jonathan Rees had a meeting to go to in Beckenham that evening. Nothing is known about this meeting. However, in a later statement in October 1987, Peter Newby stated that Daniel Morgan had said that he was going to a meeting on 10 and not 09 March.
623 Witness statement of Peter Newby, MPS 015617001, p8, 23 March 1987.
624 Witness statement of Peter Newby, MPS010345001, p11, 30 March 1987.
625 Witness statement of Peter Newby, MPS000093001, p1, 02 October 1987.
626 Witness statement of the decorator at Southern Investigations, MPS016746001, p2, 13 April 1987.
627 Witness statement of Jonathan Rees, MPS021752001, p5, 11 March 1987.
628 Action 198, MPS013261001, p1, 16 March 1987.
629 Witness statement of DS Sidney Fillery, MPS001952001, 14 March 1987.
630 Witness statement of PS Phillip Barrett, MPS001947001, 16 March 1987.

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426. PC Alexander Gibbs stated that he had been out on enquiries before going to the Golden Lion public house shortly before 9.00 pm. It had previously been agreed that officers would meet in the Golden Lion public house after finishing work. PS Phillip Barrett was there, and shortly afterwards DS Sidney Fillery, Jonathan Rees and Daniel Morgan (whom he did not know) arrived. PC Michael Latham also joined them. PC Gibbs believed he was the first to leave at about 9.30 pm.[631]

427. PC Michael Latham stated that he arranged with DS Sidney Fillery to go to the Golden Lion public house after finishing work. He stated that PS Phillip Barrett, PC Alexander Gibbs, Jonathan Rees and Daniel Morgan were in the public house on 09 March 1987. He left at approximately 10.00 pm.[632]

428. WPC Maureen Fentiman stated she did not go to the Golden Lion public house on 09 March 1987.[633] None of the other police officers in attendance reported her being there.

429. On 31 March 1987, a statement was taken from PC Stephen Thorogood. He stated that he had not been in the Golden Lion public house that night.[634]

430. It was therefore established that sometime after 9.00 pm on 09 March 1987, the night before Daniel Morgan's murder, Jonathan Rees, DS Sidney Fillery and Daniel Morgan were together in the Golden Lion public house, with PS Phillip Barrett, PC Michael Latham and PC Alexander Gibbs.

4.11.1.3 The early witness statements of Jonathan Rees and DS Sidney Fillery

431. D/Supt Douglas Campbell sought to establish how Daniel Morgan and Jonathan Rees came to meet DS Sidney Fillery and other officers in the Golden Lion public house on 09 March 1987.

432. In his statement on 11 March 1987, Jonathan Rees did not explain how the meeting in the Golden Lion public house was arranged, he simply stated that he was in the Golden Lion on 09 March 1987 with Daniel Morgan '*from about 7.30 pm to about 10 pm*'. He said that he parked '*outside the front of the pub*' and that Daniel Morgan parked '*in the car park around the back of the pub*'. He stated that there were no untoward incidents that evening.[635] In his later interview on 03 April 1987, he said that the meeting was as result of a phone call from DS Sidney Fillery during the day asking if he and Daniel Morgan wanted to go for a drink with DS Fillery that night.[636]

433. However, DS Sidney Fillery said in his witness statement of 14 March 1987 that he had met Jonathan Rees and Daniel Morgan by chance during the afternoon of 09 March 1987 while he was dealing with an incident on Sydenham Road.[637] His account in this statement and during a later police interview was different from Jonathan Rees's account with respect to times and the sequences of events. DS Fillery's account was as follows:

631 Witness statement of PC Alexander Gibbs, MPS010508001, 01 April 1987.
632 Witness statement of PC Michael Latham, MPS010473001, 27 March 1987
633 Witness statement of WPC Maureen Fentiman, MPS010518001, 03 April 1987
634 Witness statement of PC Stephen Thorogood, MPS015666001, p1, 31 March 1987.
635 Witness statement of Jonathan Rees, MPS021752001, p5, 11 March 1987.
636 Record of interview of Jonathan Rees, MPS000716001, pp43-44, 03 April 1987.
637 Witness statement DS Sidney Fillery, MPS001952001, 14 March 1987.

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i. He was taking a prisoner from Catford Police Station to the Sydenham area in order to search his premises.[638] (Records show the prisoner had been signed out of custody at Catford Police Station at 4.45 pm.)[639] DS Fillery had stopped on Sydenham Road to deal with a man who had attracted suspicion because he was carrying a television in the street.[640,641] DS Fillery had called out other members of the Catford Crime Squad to deal with the man.[642,643]

ii. While he was speaking to the attending officers, he said that Daniel Morgan and Jonathan Rees, travelling in their respective cars in the direction of Catford, stopped opposite him on Sydenham Road.[644] After a short conversation with Jonathan Rees, he agreed to meet Jonathan Rees later that evening for a drink. He said he was not sure whether they were to meet in the Dolphin public house or in the Golden Lion public house.[645]

iii. Later that evening members of the Catford Crime Squad told him that they had seen Jonathan Rees's car parked outside the Golden Lion public house, and he assumed that Jonathan Rees and Daniel Morgan were drinking there.[646]

iv. At about 9.15 pm he went with PS Phillip Barrett, PC Michael Latham and PC Stephen Thorogood to the Golden Lion public house. Several other officers had indicated that they might '*stop in*' as well.[647]

v. He did not find Jonathan Rees and Daniel Morgan in the Golden Lion public house, so he went across the road to the Dolphin public house where he found them. He explained that he and some colleagues were in the Golden Lion public house and '*ran back'* to join them.[648]

vi. They were joined shortly afterwards by Jonathan Rees and Daniel Morgan.[649]

vii. Daniel Morgan '*had been drinking quite heavily. He was loud and a little persistent in his manner of speech. He did not seem upset or worried at all, in fact he was ebullient*.' DS Sidney Fillery gave some details of various conversations which he had had with Daniel Morgan that night. He described his manner as *'being somewhat abusive'* and said that the officers left the Golden Lion public house because of this and that he was the last to leave at about 10 pm. Jonathan Rees and Daniel Morgan followed him out. He said he did not notice where Daniel Morgan's car was parked.[650]

638 Witness statement of DS Sidney Fillery, MPS010349001, p1, 14 March 1987.
639 Custody record, MPS030059001, 09 March 1987.
640 Witness statement of DS Sidney Fillery, MPS010349001, pp1-2, 14 March 1987.
641 Interview of DS Sidney Fillery, MPS000717001, pp4-7, 03 April 1987.
642 Witness statement DS Sidney Fillery, MPS010349001, p1, 14 March 1987.
643 Witness statement a member of the burglary squad, MPS016944001, p2, 20 May 1987.
644 Witness statement of DS Sidney Fillery, MPS010349001, pp1-2, 14 March 1987.
645 Witness statement of DS Sidney Fillery, MPS010349001, p2, 14 March 1987.
646 Witness statement of DS Sidney Fillery, MPS010349001, p2, 14 March 1987.
647 Witness statement of DS Sidney Fillery, MPS010349001, p2, 14 March 1987.
648 Witness statement of DS Sidney Fillery, MPS010349001, pp2-3, 14 March 1987.
649 Witness statement of DS Sidney Fillery, MPS010349001, p3, 14 March 1987.
650 Witness statement of DS Sidney Fillery, MPS010349001, p4, 14 March 1987.

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4.11.2 The events of 10 March 1987

434. Having queried who went to the Golden Lion public house on 09 March 1987, D/Supt Douglas Campbell sought to establish why Jonathan Rees and Daniel Morgan returned there on 10 March 1987, and why Daniel Morgan had parked his car in the secluded, dark corner of the car park there. It had been established that Daniel Morgan was very interested in cars and was careful about where he left his vehicle, so that it would not be damaged. According to the evidence of his brother, Alastair Morgan, and of Malcolm Webb, an employee at Southern Investigations, Daniel Morgan would not have been expected to park his car in a dark place where it might have been the subject of crime.[651,652]

435. Daniel Morgan's movements on 10 March 1987, in so far as they can be established, are described above (see paragraphs 5-8 above). Jonathan Rees gave no detailed account of his movements that day. There were only two entries in his diary for 10 March 1987. One referred to a matrimonial client and the other read '*D/M* [or *DJM* – Daniel Morgan's middle name was John] *WJR re £10,000*' [WJR were Jonathan Rees's initials]. It was written on the page as if the meeting were going to occur towards the end of the day.[653]

436. Having considered all the evidence available to it, the Panel has concluded that Jonathan Rees and Daniel Morgan agreed to meet on the evening of 10 March 1987 at the Golden Lion public house. However, it is not possible to state conclusively, from the papers available, how or for what reason the meeting was arranged.

437. Paul Goodridge said that he had been in the Southern Investigations office at 11.00 am. Jonathan Rees had stated that he and Daniel Morgan had arranged at 11.00 am to meet Paul Goodridge in the Golden Lion public house that evening.[654] Paul Goodridge has said that this was not correct.[655]

438. D/Supt Douglas Campbell noted from Jonathan Rees's phone billing records that on the day of the murder he had contacted the Catford Crime Squad on his car phone at 11.07 am. D/Supt Campbell suspected that this call was to DS Sidney Fillery.[656] He considered that it was possible that Jonathan Rees had confirmed to DS Fillery that he and Daniel Morgan were to meet in the Golden Lion public house that night.

439. The Morgan One Investigation also sought to establish who knew that Daniel Morgan would be there that night.

440. D/Supt Douglas Campbell noted, on 13 April 1987, that almost 200 statements had been taken, and over 400 investigative actions dealt with. It was his view that '[a]*part from REES no other person, other than possibly DS FILLERY, had come to notice who definitely knew that MORGAN would be in the Golden Lion public house on the evening of his murder*'.[657] However, this conclusion was incorrect because Anthony Pearce, who worked at Southern Investigations, had stated that at 6.00 pm, as Daniel Morgan was leaving the office, '*I saw him pop his head around John REES door and say "I'll see you in the Golden Lion at 7.30 pm"*'.[658]

651 Witness statement of Alastair Morgan, MPS010225001, p1, 08 March 1988.
652 Witness statement of Malcolm Webb, MPS010331001, pp2-3, 23 October 1987.
653 Letts 1987 desk diary (Rees) (Exhibit 128) (Exhibit CF/2), MPS011657001, p13, 23 February 1987.
654 Witness statement of Jonathan Rees, MPS021752001, p6, 11 March 1987.
655 Witness statements of Paul Goodridge, MPS015296001, p4, 12 March 1987 and MPS001517001, p3, 22 December 1987.
656 Report by D/Supt Douglas Campbell, MPS015762001, p5, 13 April 1987.
657 Report by D/Supt Douglas Campbell, MPS015762001, p5, 13 April 1987.
658 Witness statement of Anthony Pearce, MPS000014001, p2, 27 March 1987.

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4.12 Telephone billing enquiries

441. In any murder investigation, enquiries are carried out to identify with whom the victim has been in telephone communication prior to the murder. Similar enquiries will also be carried out into the communications of any identified suspects and any other persons of interest. Prior to mid-1987, it was not possible to obtain itemised billing for landlines in the United Kingdom, and so this was not available at the time of Daniel Morgan's murder.[659] Itemised billing was, however, available for mobile telephones, but for outgoing calls only. Police could therefore request access to call data records for mobile telephones, which would identify a list of telephone numbers with which the mobile phone/owner had been in contact. Subscriber details for those telephone numbers could subsequently be requested from the relevant telecommunications companies, in order to identify their users. In respect of incoming calls to mobile telephones, at the time of Daniel Morgan's murder the data held by the telecommunications companies would only identify the date, time and duration of each call, and not the telephone number from which those calls came.

442. Work began on obtaining the call data records for the car phones[660] belonging to Daniel Morgan and Jonathan Rees on 13 March 1987.[661,662] By 17 March 1987, the Morgan One Investigation had obtained a print out of calls made from the car phones belonging to Daniel Morgan and Jonathan Rees. This came to be of particular significance as a line of enquiry for the murder investigation as it became apparent that there were discrepancies between the accounts of Jonathan Rees and other witnesses about his phone calls on the night of Daniel Morgan's murder.

4.12.1 Telephone call data for Daniel Morgan's car phone

443. The calls from Daniel Morgan's car phone went back to 15 November 1986, but the subscriber checks by police only started at 01 January 1987.[663] Thirty-nine investigative actions were carried out to interview people or companies telephoned by Daniel Morgan. The Morgan One Investigation found nothing to assist their enquiries.

Retention of original billing material

444. The original car phone billing document for Daniel Morgan was listed as '*not found*' by the time of the 2000 Murder Review Report.[664] However, quite correctly, a copy of the original exhibit had been copied and saved on the computer system used by the Morgan One Investigation.[665] The original document was finally retrieved by the Abelard Two investigation in 2007. This is evidenced by a letter from the Crown Prosecution Service to Jonathan Rees's solicitors, Cousins Tyrer, dated 27 August 2009, which stated: '*The original documents from which the exhibits are copied are poor. Defence are invited to inspect originals of* [...] *Exhibits JO/1 and 2*.'[666]

659 Statement of Investigations Officer employed by the British Telecom Investigation Department, MPS011011001, 09 January 1989.
660 Car phones were telephones which could be installed in cars in 1987, from which telephone calls could be made and received. (Witness statement, MPS010977001, pp7-10, 10 November 1988).
661 Action A141 to obtain full print out of radio page calls made from Daniel Morgan's car, MPS013204001, 13 March 1987.
662 Message M66, Request to car phone company for records of Morgans [and Rees'] phone, MPS013271001, 16 March 1987.
663 Action A962 *Make enqs with Top Cars re printout of MORGAN's car phone*, MPS014025001, 13 July 1987.
664 Murder Review Group Report, Appendix F: Exhibit Issues, MPS054329001, p3, undated.
665 D53, List of telephone numbers from Morgan's car phone, MPS011121001, undated.
666 Letter to Cousins Tyrer [Solicitors] from CPS, MPS008503001, p2, 27 August 2009.

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4.12.2 Telephone call data for Jonathan Rees's car phone

445. A list of calls made from Jonathan Rees's car phone between 20 November 1986 and 13 March 1987 was obtained by the Morgan One Investigation.[667] On 26 March 1987, DS Malcolm Davidson directed an officer on the Morgan One Investigation to '*make* [a] *list of individual telephone numbers on REES carphone and trace subscribers of same*'.[668] This action was completed by 24 June 1987, with names and addresses listed against the telephone numbers.[669]

4.12.2.1 A missed opportunity

446. Analysis by the Panel identified that it was unusual for Jonathan Rees to use his car phone on Sundays. During that period of almost four months, he received an incoming call on Sunday 30 November 1986 and he telephoned home once on Sunday 28 December 1986. He received one call and made three on Sunday 08 February 1987 and made one call to his home address on Sunday 01 March 1987. He next used the phone on Sunday 08 March 1987, two days before the murder, to make a call to a landline.[670] This number was called only once during the four-month period covered by the call data report.[671]

447. By 24 June 1987, the Morgan One investigation had identified that the number called on Sunday 08 March 1987 was registered to a 'Mrs J Cook', and they had her address.[672] No decision was taken to interview Jacqueline Cook until 26 November 1987, and it appears nothing further was done until 25 January 1988, when decisions were made to contact a number of people identified as having been in contact with Jonathan Rees's car phone.[673,674]

448. Jacqueline Cook was first spoken to by police on 08 February 1988. After conversations with Jacqueline Cook and with solicitors for Jacqueline Cook's husband, James Cook returned telephone calls from the Morgan One Investigation on 11 May 1988. He provided an explanation for the contact from Jonathan Rees's car phone, that '*REES had asked him to do some recovery work for S.I.*'. [675] He said that he was on bail, having been charged with an unrelated offence and would only be seen in the presence of a solicitor, which would involve him taking time off from work.[676]

449. The Morgan One Investigation team decided not to interview James Cook.[677] No enquiries were carried out to ascertain further information about this individual, including any criminal record he had, or who his associates were. However, James Cook was known to the police, and was later identified as a suspect in Daniel Morgan's murder (see Chapter 6, The Abelard One/ Morgan Two Investigation).

667 *'Printout of car phone REES'*, MPS025539001, 17 March 1987.
668 Action A400, *'Make list of individual telephone numbers on REES carphone & trace subscribers of same,'* MPS013463001, 26 March 1987.
669 *'Printout of Rees Telephone Nos'*, MPS011339001, undated.
670 016800729 Mrs J COOK. *'Printout of Rees Telephone Nos'*, MPS011339001, p41, undated.
671 20 November 1986 – 13 March 1987. *'Printout of Rees Telephone Nos'*, MPS011339001, undated.
672 *'Printout of Rees Telephone Nos'*, MPS011339001, p41, undated.
673 For example, besides A1573 (MPS014636001) having been raised to make enquiries of Mrs J Cook, actions were raised in respect of Maureen Young on 25 January 1988 (A1572, MPS014635001) and Mr PF Glenn on 26 January 1988 (A1574, MPS014637001).
674 Action A1456 interview and obtain statement from Mrs J Cook, 26 November 1987; Action 1573 make enquiries of Mrs J Cook, MPS014636001, 25 January 1988.
675 Action 1573, make enquiries of Mrs J Cook, MPS014636001, pp1-2, 25 January 1988.
676 Action 1573 make enquiries of Mrs J Cook, MPS014636001, 25 January 1988.
677 Action 1573 make enquiries of Mrs J Cook, MPS014636001, 25 January 1988.

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450. The failure adequately to follow up the only call made by Jonathan Rees from his car phone on 08 March 1987, two days before the murder, which was to Jacqueline Cook's landline, was significant. This was the only call made to this number and represented one of only a few occasions when Jonathan Rees used his car phone on a Sunday during the period covered by the call data.

There is no evidence that any attempt was made to ascertain whether and to what extent Jacqueline Cook or James Cook were known to police or had any other connections with those who were identified as suspects in the murder. D/Supt Douglas Campbell should have made enquiries about James Cook, which would have revealed that he was known to the Metropolitan Police, and he should have been interviewed.

A vital investigative opportunity was lost as a consequence of this failure. Jonathan Rees was not questioned about this call following his arrest in April 1987). James Cook was subsequently charged in connection with the murder of Daniel Morgan in 2008 (see Chapter 8, The Abelard Two Investigation).

4.12.2.2 Discrepancies with other witness statements

451. The records of the telephone calls made by Jonathan Rees from his car on 10 March 1987 showed very few calls in the early part of the day: one to his home address at 11.03 am, one to Margaret Harrison at 11.06 am and one to the Catford Crime Squad office at 11.07 am, followed by an incoming call at 11.12 am. After those calls, there was nothing until 9.04 pm.

452. The six later calls which were recorded (at 9.04 pm, 9.17 pm, 9.19 pm, 9.21 pm, 9.23 pm and 11.15 pm) formed a significant line of enquiry as the Morgan One Investigation sought to establish Jonathan Rees's movements, particularly after he left the Golden Lion public house, before Daniel Morgan was murdered. The investigation discovered the following information:

i. The first unidentified incoming call was at 9.04 pm. Jonathan Rees claimed that his wife, Sharon Rees, telephoned him at 9.04 pm on 10 March as he was driving home (a call which the call logs showed to have lasted for between 11 minutes 31 seconds and 12 minutes).[678,679,680,681] However, Sharon Rees did not mention this call in her statements of 17 March 1987[682] and 20 March 1987.[683] Sharon Rees said that she had spoken to her husband at about 4.00 pm and the next, and only, occasion on which she spoke to him again on the telephone that evening was at about 9.30 pm when he rang to ask her if she wanted anything brought home.[684] That call to Sharon Rees was identified as occurring at 9.19 pm.[685]

678 Witness statement of a British Telecom employee, MPS010337001, p1, 17 March 1987.
679 Print out of car phone Rees,' (Exhibit JO/2), MPS025539001, p4, 17 March 1987.
680 Witness statement of a British Telecom employee, MPS010338001, p4, 29 September 1987.
681 Witness statement of Jonathan Rees, MPS010012001, p3, 20 March 1987.
682 Witness statement of Sharon Rees, MPS010339001, pp1-2, 17 March 1987.
683 Witness statement of Sharon Rees, MPS010340001, 20 March 1987.
684 Witness statement of Sharon Rees, MPS010340001, 20 March 1987.
685 Print out of car phone Rees,' (Exhibit JO/2), MPS025539001, p4, 17 March 1987.

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ii. There were three remaining outgoing calls. Jonathan Rees said that at 9.17 pm he had telephoned Paul Goodridge on his partner Jean Wisden's home telephone, and spoke to Jean Wisden first and then to Paul Goodridge to enquire about a loan he was arranging.[686] However, Paul Goodridge stated that Jonathan Rees had not spoken to him, but had spoken to his partner, and that she had told him that Jonathan Rees wanted to see him at the Beulah Spa public house.[687] The second outgoing call was at 9.23 pm to Paul Goodridge's car phone and the third was at 11.15 pm to Jonathan Rees's home telephone.[688]

iii. Jonathan Rees said that the second incoming call at 09.21 pm was from Paul Goodridge '*to confirm the meeting at the Beulah Spa*'.[689] Paul Goodridge said that he had not made this call.[690] Jonathan Rees also said that he telephoned Paul Goodridge again at 9.23 pm because he had decided that he wanted to go home, rather than meet Paul Goodridge, but Paul Goodridge had said that he was on his way to the Beulah Spa.[691] This call from Jonathan Rees was confirmed by Paul Goodridge, although he said that when he answered it, he was either entering the Beulah Spa car park or had already entered it.[692]

iv. Of the six calls on his car telephone between 9.04 pm and 11.15 pm, Sharon Rees did not mention any telephone call to Jonathan Rees at 9.04 pm in her witness statement, and Paul Goodridge had said he had not telephoned Jonathan Rees at 9.21 pm.[693,694,695]

453. Jonathan Rees was therefore unable to account adequately for two telephone calls, which were made to his car phone at 9.04 pm and 9.21 pm on 10 March 1987.

4.12.3 Telephone call data for Paul Goodridge's car phone

454. Jonathan Rees had stated on 11 March 1987 that he and Daniel Morgan went to the Golden Lion public house to meet Paul Goodridge. Paul Goodridge had said that he was unaware of any such planned meeting.

455. Paul Goodridge's car phone had been fitted on 05 January 1987 and so billing was requested from that date.[696,697] Call data records were obtained,[698,699] but enquiries to ascertain the subscriber of only one of the numbers called were carried out in July 1987. The subscriber for that telephone number, which was called in March 1987, was an investment broker in Croydon.[700] (The remaining subscribers for telephone numbers dialled in March 1987 from Paul Goodridge's car phone were already known to the Morgan One Investigation.)

686 Witness statement of Jonathan Rees, MPS010012001, p3, 20 March 1987.
687 Witness statement of Paul Goodridge, MPS021952001, p4, 12 March 1987.
688 Print out of car phone Rees,' (Exhibit JO/2), MPS025539001, p4, 17 March 1987.
689 Witness statement of Jonathan Rees, MPS010012001, p3, 20 March 1987.
690 Witness statement of Paul Goodridge, MPS010182001, p2, 25 March 1987.
691 Witness statement of Jonathan Rees, MPS010012001, p3, 20 March 1987.
692 Witness statement of Paul Goodridge, MPS010182001, pp1-2, 25 March 1987.
693 Witness statement of Sharon Rees, MPS010339001, pp1-2, 17 March 1987.
694 Witness statement of Sharon Rees, MPS010340001, 20 March 1987.
695 Witness statement of Paul Goodridge, MPS010182001, p2, 25 March 1987.
696 Action A331, 'Obtain "print out" of telephone calls logged on Paul Goodridge's car phone', MPS013394001, pp1-2, 20 March 1987.
697 Action A921*: Obtain print out of car phone of Paul GOODRIDGE car phone for March 1987*, MPS013984001, 19 June 1987.
698 Morgan One document D82, *'Printout of Paul GOODRIDGE car tel 301230773, months Jan-Feb 87'*, MPS011150001, undated.
699 London Car Telephones Limited billing report for Mobile 230773, MPS015290001, March 1987.
700 Morgan one message M911 regarding telephone subscriber check, MPS012971001, 25 July 1987.

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4.12.4 Whether DS Sidney Fillery, Glenn Vian, Garry Vian, DC Peter Foley or DC Alan Purvis had car phones

456. There is no evidence that any enquiries were made during the Morgan One Investigation, to determine whether DS Sidney Fillery, Glenn Vian, Garry Vian, DC Peter Foley or DC Alan Purvis, all of whom were arrested on 03 April 1987 for the murder, had car phones.

457. The Morgan One Investigation should have made enquiries to determine whether other suspects for the murder of Daniel Morgan had car phones. Another investigative opportunity was lost as a result of the failure to conduct these enquiries.

458. While the car phone data was secured by the Morgan One Investigation, very little was done with it in the early months to make enquiries of those with whom Jonathan Rees had been in contact.

459. The parameters for enquiries such as telephone billing are a matter of judgement for the Senior Investigating Officer, who would have been influenced in decision-making by the volume of telephone numbers and the volume and timing of calls to each of the numbers identified. However, as the Morgan One Investigation proceeded, the telephone billing for the main suspects should have been examined as it might have revealed a pattern of calls between individuals and provided further lines of enquiry. This was not done.

4.13 Early emerging evidence about the relationship between Daniel Morgan and Jonathan Rees

460. Once it had been established that Daniel Morgan and Jonathan Rees had been together in the Golden Lion public house on both the day of and the day before the murder, the relationship between Daniel Morgan and Jonathan Rees became very important to the Morgan One Investigation. D/Supt Douglas Campbell focused increasingly on the relationship between Jonathan Rees and Daniel Morgan as one of his lines of enquiry, particularly investigating the relationships that both men may have had with Margaret Harrison and considering various financial disputes between Daniel Morgan and Jonathan Rees. [701]

701 Panel interview with former D/Supt Douglas Campbell, PNL000199001, p4, para 16, 11 February 2015.

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4.13.1 Margaret Harrison

461. Evidence emerged early in the Morgan One Investigation that there was a perception that both Daniel Morgan and Jonathan Rees were engaged in a relationship of some kind with Margaret Harrison, who worked in an estate agent's office near Southern Investigations, and with whom Daniel Morgan went for a drink before he went to the Golden Lion public house on the night of his murder.

462. In a statement given on 13 March 1987, Margaret Harrison detailed her relationship with Daniel Morgan, which had begun in December 1985. She stated that '*we have had a sexual relationship though not so much in recent times*'.[702] She said that it began in December 1985 and lasted only a few weeks. She said she was good friends with Daniel Morgan.[703] Analysis of Daniel Morgan's car phone records, which started on 01 January 1987, showed only two contacts with the estate agents' for whom Margaret Harrison worked, and one call to her home address.[704,705]

463. On 19 March 1987, a decision was made to obtain a full, comprehensive statement from Margaret Harrison to include details of any affairs with Daniel Morgan and Jonathan Rees, as well as details of her movements on the night of 10 March 1987 and those of her husband.[706] Margaret Harrison denied having a sexual relationship with Jonathan Rees.[707] Analysis of Jonathan Rees's car phone records,[708] which were obtained by the Morgan One Investigation, indicated that 60 phone calls had been made from his car phone to Margaret Harrison's office in the three and a half months prior to the middle of March 1987, and four calls to her home.[709,710] In the ten days prior to Daniel Morgan's murder, five calls to Margaret Harrison were made, and on the day that Daniel Morgan was murdered a call was made at 11.06 am.[711]

464. Michael Goodridge, a solicitor and friend of both Daniel Morgan and Jonathan Rees, gave a witness statement on 14 March 1987 in which he said that he believed that Margaret Harrison had had a brief affair with Daniel Morgan, but that '*recently it is more platonic*'.[712] Michael Goodridge stated that he had met Jonathan Rees at about 6.15 pm on 10 March 1987 (the day of Daniel Morgan's murder) in the Victory public house and that they had left together at around 7.00 pm. Michael Goodridge claimed that he asked Jonathan Rees where Daniel Morgan was and that Jonathan Rees had said he was '*out with Margaret*'.[713]

465. Because of the information which became available during the first two weeks of the investigation, police considered whether Margaret Harrison's relationship with Daniel Morgan was a motive for his murder.

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702 Witness statement of Margaret Harrison IPC000105001, p4, 13 March 1987.
703 Witness statement of Margaret Harrison IPC000105001, pp4-5, 13 March 1987.
704 '*Result of car phone checks – MORGAN*', MPS011356001, undated.
705 Report by D/Supt Douglas Campbell, MPS022269001, pp28-29, 22 January 1988.
706 Action A322, MPS013385001, 19 March 1987.
707 Witness statement of Margaret Harrison, MPS010231001, p7, 20 March 1987.
708 '*Printout of Rees Telephone Nos*', MPS011339001, undated.
709 'Printout of Rees Telephone Nos', MPS011339001, undated.
710 Statement of Douglas Campbell, MPS018003001, p2, 07 March 1988.
711 '*Printout of Rees Telephone Nos*', MPS011339001, undated.
712 Witness statement of Michael Goodridge, MPS016355001, p3, 14 March 1987.
713 Witness statement of Michael Goodridge, MPS016355001, p4, 14 March 1987.

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4.14 Jonathan Rees as a suspect and his relationship with DS Sidney Fillery

466. Senior officers became concerned about Jonathan Rees as a possible suspect very soon after the murder, because of suspicions that he was in, or had had, a relationship with Margaret Harrison, because he was the last known person to see Daniel Morgan alive and because elements of the statements which he had made had been contradicted by others. Very rapidly, concerns also began to emerge about DS Sidney Fillery and his relationship with Jonathan Rees, particularly after it had been established by 14 March 1987 that DS Fillery had also been in the Golden Lion public house with Jonathan Rees, Daniel Morgan and others the evening before Daniel Morgan's murder. While conducting other lines of enquiry, D/Supt Douglas Campbell began increasingly to focus on the relationship between Jonathan Rees and DS Fillery, and DS Fillery's actions while working on the murder investigation.

467. As detailed previously, on 11 March 1987 DS Sidney Fillery searched the Southern Investigations office, accompanied Jonathan Rees to identify Daniel Morgan's body, and took a statement from Jonathan Rees.

468. Jonathan Rees received a telephone call from a business associate of Daniel Morgan and Jonathan Rees who had previously rented them office space, after he had heard about the murder on 10 March 1987, about his knowledge that Daniel Morgan had been having an affair with a married woman.[714]

469. As a result of this telephone call, on 12 March 1987, Jonathan Rees and DS Sidney Fillery visited the business associate.[715] At 07.00 pm that day, DS Fillery submitted a message to the Morgan One Investigation, which provided information about Daniel Morgan having affairs with two women whom he named. DS Fillery did not refer to the telephone conversation between the business associate and Jonathan Rees, nor did he state that he and Jonathan Rees had visited the business associate that afternoon. No mention was made of the business associate and therefore no-one from the Morgan One Investigation was instructed to interview him.[716]

470. Having received the information from Jonathan Rees, DS Fillery should have reported receipt of the information and should have conducted his subsequent enquiries with another police officer. He should then have reported the fact that he had visited the business associate so that further enquiries could be made. DS Sidney Fillery should not have taken Jonathan Rees to his meeting with Jonathan Rees's business associate. This was a breach of the general duty not to disclose information improperly, by allowing Jonathan Rees to overhear any other information that the business associate had to impart. In the event, the business associate was not interviewed until 01 May 1987. This incident is illustrative of the very close and inappropriate relationship between Jonathan Rees and DS Fillery.

714 Witness statement of the business associate, MPS000394001, p2, 01 May 1987.
715 Witness statement of the business associate, MPS000394001, pp2-3, 01 May 1987.
716 Message 26, MPS012085001, 12 March 1987.

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471. DC Kinley Davies stated later about the early stages of the Morgan One Investigation that '*because of the help* [Jonathan] *REES was giving us and his obvious friendship with certain Police Officers in the Investigation Team I got the feeling that he was almost an extension of the Squad*'.[717]

472. On 14 March 1987 when Jonathan Rees was asked to bring his car to Sydenham Police Station for forensic examination (see paragraph 319), DS Sidney Fillery was asked by DI Allan Jones to take Jonathan Rees for a drink while the car was examined. In 1988, former DS Fillery told the Lamper Investigation, that he had telephoned DC Alan Purvis and asked him to come and meet them.[718] DC Purvis said he had sought and was granted permission to meet DS Fillery, because DS Fillery had suggested that, as he had met Daniel Morgan, he might be able to assist the murder enquiry. He was unable to assist.[719] There is no record of what was discussed at the meeting.

473. D/Supt Douglas Campbell and DI Allan Jones were aware that DS Sidney Fillery and Jonathan Rees knew each other, but DI Jones later stated that he did not realise how close the relationship was.[720] D/Supt Campbell stated that by 15 March 1987 he realised that the friendship between DS Fillery and Jonathan Rees could have had '*an adverse effect*' on the murder investigation.[721]

4.14.1 The decision to remove DS Sidney Fillery from the investigation

474. DS Sidney Fillery had told DS Malcolm Davidson that he was friendly with Jonathan Rees.[722] DS Davidson stated in May 1987 that:

> '[a] *few days into the enquiry Sergeant FILLERY who I have known for a number of years had a conversation with me in which he expressed the feeling that as REES was a personal friend of his he was finding that his duties were placing a strain on their relationship as REES felt he was 'spying' on him* [...]. *He told me he was taking annual leave the following week and should finish on Friday 13th March. I spoke about this to Mr CAMPBELL at a later date and D/S FILLERY was released to normal duties.*'[723]

475. D/Supt Douglas Campbell knew by this date that Jonathan Rees and DS Sidney Fillery had been together, with Daniel Morgan, in the Golden Lion public house on 09 March 1987. There were growing concerns about the consequences of his involvement in the investigation, although there is little contemporaneous record of them.

476. In an interview with the Panel, former DS Malcolm Davidson stated that, at an early stage, the investigation team had suspected DS Sidney Fillery of passing information about the investigation to Jonathan Rees. Former DS Davidson further stated that, following an interview with Jonathan Rees, D/Supt Douglas Campbell and DI Allan Jones had witnessed Jonathan Rees leave the police station and make a telephone call. On D/Supt Campbell's instructions, DI Jones had telephoned a number belonging to DS Fillery. It was engaged. Former DS Davidson said that at this point D/Supt Campbell had instructed DI Jones to remove DS Fillery from the investigation team.[724]

717 Witness statement of DC Kinley Davies, MPS003315001, p3, 07 July 1988.
718 Witness statement of former DS Sidney Fillery MPS028068001, p1, 22 June 1988.
719 Witness statement of DC Alan Purvis, MPS006117001, p6, 15 December 1987.
720 Witness statement of DI Allan Jones, MPS015298001, pp2-3, 20 July 1989.
721 Witness statement of D/Supt Douglas Campbell, MPS000175001, p2, 03 July 1989.
722 Witness statement of DS Malcolm Davidson, MPS006087001, p2, 20 May 1987.
723 Witness statement of DS Malcolm Davidson, MPS006087001, p2, 20 May 1987.
724 Panel interview with DS Malcolm Davidson, para 48, 20 October 2015.

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477. DI Allan Jones was interviewed by the Abelard One/Morgan Two Investigation on 11 June 2003. He said that '*many of the staff held DS FILLERY in high esteem and that information from the investigation was regularly leaked*'.[725]

478. In a statement dated 03 July 1989, D/Supt Douglas Campbell recorded the following:

> *'On Sunday 15th March 1987 it was clear to me that the friendship between Detective Sergeant FILLERY and William Jonathan REES could have an adverse effect on the investigation of this murder. I felt that all aspects of the police enquiry were being discussed by these two men. I therefore saw FILLERY and told him that as from Monday 16th March he would no longer be employed on the enquiry but would resume his normal role as the officer in charge of the Crime Squad at Catford. D.S. FILLERY did state that he wanted to return to normal duty as his friendship with REES was suffering. I subsequently learnt that he had previously spoken to Detective Sergeant DAVIDSON about his employment on the Murder Squad.'*[726]

In 2020, former DS Fillery advised the Panel that he demanded to be released from the investigation to ordinary duties as soon as he realised Jonathan Rees was a suspect. The Panel has not seen evidence of this.

479. On 16 March 1987, a decision was made to remove DS Sidney Fillery and the Catford Crime Squad from the Morgan One investigation. D/Supt Douglas Campbell's reason for the decision to remove officers from the team was recorded in the policy file as, '*D.S. FILLERY too closely associated with John REES. Force policy only to employ Crime squad on initial enquiries of major investigation*.'[727]

480. D/Supt Douglas Campbell made the correct decision to remove DS Sidney Fillery from the investigation because he had a potential conflict of interest due to his friendship with Jonathan Rees. It appears there may also have been concern that DS Fillery was leaking information about the enquiry to Jonathan Rees. This was not, however, recorded in the decision to remove DS Fillery.

481. The Panel interviewed D/Supt Douglas Campbell's two senior officers, former DCS Douglas Shrubsole and former Commander Alan Fry. Commander Fry was the Area Commander who had appointed D/Supt Campbell on the night of the murder, as DCS Shrubsole, who was D/Supt Campbell's superior officer, was on holiday at the time. Commander Fry had visited the Morgan One investigation within days of the murder.[728] Both officers were asked about their assessment of the evidence against Jonathan Rees, and his relationship with DS Sidney Fillery in the early stages of the investigation.

482. Former DCS Douglas Shrubsole said that Commander Alan Fry had telephoned him during the first week of the investigation to discuss DS Fillery's connection to Jonathan Rees.[729]

725 Action A299 Interview Allan Jones regarding knowledge of the Daniel Morgan murder, MPS059739001, p4, returned 13 June 2003.
726 Witness statement of D/Supt Douglas Campbell, MPS010915001, p3, 03 July 1989.
727 Decision 3 of Policy File – Morgan One Investigation, MPS004821001, p4, 16 March 1987.
728 Panel interview with former Commander Alan Fry, p1, 15 June 2016.
729 Panel interview with former DCS Douglas Shrubsole, p1, 06 May 2016.

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483. Former Commander Alan Fry told the Panel that Jonathan Rees was a potential suspect from day one, that there were reservations about DS Sidney Fillery at an early point in the enquiry, and that D/Supt Douglas Campbell had thought that the relationship between DS Fillery and Jonathan Rees was too strong. Former Commander Fry also stated that his recollection was that he had discussed why DS Fillery had been taken off the Morgan One Investigation in his phone call with DCS Douglas Shrubsole.[730]

484. Although the friendship between Jonathan Rees and DS Sidney Fillery was known during the Morgan One Investigation, it was not until enquiries were made by the Hampshire Police Complaints Authority Investigation that the full extent of their relationship was exposed. Various documents, such as statements and interview transcripts reviewed by the Panel, reveal the frequency of contact between Jonathan Rees and DS Fillery not only before Daniel Morgan's murder, but also during the Morgan One Investigation. Meetings between them are documented on 05, 07 or 08, and 09 March 1987 and then, after Daniel Morgan's murder, on 10, 11, 12 and 14 March 1987, and thereafter. Some of the contacts after the murder were approved as part of the Morgan One Investigation. Other police officers were also present for several of these meetings. D/Supt Douglas Campbell also became concerned about other officers who were known to be close to either DS Fillery or Jonathan Rees, or both of them.

4.15 The Southern Investigations loan

485. One of the earliest lines of enquiry related to the matter of the loan which was needed by Southern Investigations and which was said by Jonathan Rees to have been the reason why he and Daniel Morgan had been going to meet Paul Goodridge in the Golden Lion public house on 10 March 1987.[731]

486. On 11 March 1987 Jonathan Rees had stated that he and Daniel Morgan had been attempting to secure a loan. Jonathan Rees said that the meeting on 10 March 1987 at the Golden Lion public house was to have been with Paul Goodridge '*who was going to introduce us to a third party in the hope of securing a loan*'.[732] On 12 March 1987 Paul Goodridge had been asked about the alleged meeting. He made a statement in which he said that he could not remember any arrangement for a meeting.[733] He said that Jonathan Rees had telephoned him and asked him to come to the Beulah Spa public house when he was watching a specific programme on television that evening, and that he had met Jonathan Rees sometime after 9.45 pm in the Beulah Spa and had told Jonathan Rees that he had been '*flying about to arrange the money*'.[734] Paul Goodridge explained that Southern Investigations were being sued in a case to be heard at the High Court and required £10,000. He did not name the company which was bringing the action.[735]

487. D/Supt Douglas Campbell recognised the inconsistencies between Jonathan Rees's account that he and Daniel Morgan had arranged to meet Paul Goodridge in the Golden Lion public house in connection with the arrangement of a loan, and Paul Goodridge's account that no such meeting had been arranged, and decided to investigate the matter further.

730 Panel interview with former Commander Alan Fry, pp1-2, 15 June 2016.
731 Witness statement of Jonathan Rees, MPS021752001, p6, 11 March 1987.
732 Witness statement of Jonathan Rees, MPS021752001, p7, 11 March 1987.
733 Witness statement of Paul Goodridge, MPS015693001, pp3-4, 12 March 1987.
734 Witness statement of Paul Goodridge, MPS015693001, p5, 12 March 1987.
735 Witness statement of Paul Goodridge, MPS015693001, pp3-4, 12 March 1987.

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4.15.1 A possible financial motive

488. The Morgan One Investigation explored the possibility that Jonathan Rees had a financial motive for the murder. They made various limited enquiries about the financial circumstances of both Jonathan Rees and Daniel Morgan. However, no detailed analysis of the financial profile of Southern Investigations was carried out until after the Morgan One Investigation. (See Chapter 3, The Hampshire/Police Complaints Authority Investigation.)

4.16 Belmont Car Auctions

4.16.1 The Belmont Car Auctions robbery on 18 March 1986 and the ensuing civil action against Southern Investigations

489. On 11 March 1987, Jonathan Rees had stated that he and Daniel Morgan had met in the Golden Lion public house on the day Daniel Morgan was murdered because they were due to meet Paul Goodridge who was going to introduce them to a third party in the hope of securing a loan.[736]

490. On 12 March 1987, Paul Goodridge gave a statement in which he said that Jonathan Rees had told him, while on a social visit to Southern Investigations, that Southern Investigations was being sued in a case to be heard at the High Court and required £10,000.[737]

491. It transpired that the action was for breach of contract and negligence relating to the loss of monies collected during an auction when Southern Investigations were providing security and Jonathan Rees had reported being the victim of a robbery.

492. On 14 March 1987, solicitor Michael Goodridge (no relation to Paul Goodridge) said that he had met Jonathan Rees for a drink on the evening of 10 March 1987 and that Jonathan Rees had left '*to see someone about money for their impending High Court Action*'.[738]

493. On 14 March 1987, a decision was made to obtain all statements and copy crime reports about the robbery of Jonathan Rees which had reportedly occurred on 18 March 1986.[739]

494. On 17 March 1987, Iris Morgan gave a statement in which she had said that Daniel Morgan had spoken to her *'about the court case regarding when John was robbed'.*[740]

495. On 18 March 1987, the crime report and contemporaneous statement of Jonathan Rees from the 1986 robbery was received by the Morgan One Investigation.[741]

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736 Witness statement of Jonathan Rees, MPS021752001, p6, 11 March 1987.
737 Witness statement of Paul Goodridge, MPS021806001, p3, 12 March 1987.
738 Statement of Michael Goodridge, MPS010250001, p4, 14 March 1987.
739 Action A149, MPS013212001, 14 March 1987.
740 Witness statement of Iris Morgan, MPS010373001, p17, 17 March 1987.
741 Action A149, MPS013212001, 14 March 1987.

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What was known about Belmont Car Auctions by the Morgan One Investigation

496. Over time, the Morgan One Investigation established that:

i. Southern Investigations had been contracted to provide security for Belmont Car Auctions, which had previously been robbed on 28 February 1986.[742] A police officer, DC Alan Purvis, was a cousin of Michael Thorne, a Director of Belmont Car Auctions, and believed that DS Sidney Fillery had a friend who might be able to advise them on security.[743,744] DC Purvis and DS Fillery had introduced that friend, Jonathan Rees, to the two Directors of Belmont Car Auctions, Michael Thorne and Walter Penfold, on 03 March 1986.[745] At this meeting it was agreed that Southern Investigations would provide six *'minders'*, who would attend the auctions and transfer takings to the bank afterwards. Michael Thorne subsequently learned that two of the *'Minders'* were *'brothers named VIAN'*.[746]

ii. Southern Investigations had provided security on ten occasions.[747,748,749,750] Those present had included three police officers: DC Alan Purvis, DC Peter Foley and DS Sidney Fillery.[751] The officers were off duty when they were at Belmont Car Auctions[752] and D/Supt Campbell believed they had not informed the Metropolitan Police that they were working in this way[753] as required by police regulations.[754]

iii. On 18 March 1986, while transporting £18,280.62 belonging to Belmont Car Auctions to the bank, Jonathan Rees had allegedly been robbed.[755] He had left Belmont Car Auctions with the night's takings accompanied by Glenn Vian and Garry Vian. Jonathan Rees said that he had been unable to lodge the takings at the Midland Bank, Lewisham, because the key hole of the night safe had been blocked. He had decided to take the money home and deposit it the next day. Jonathan Rees drove to his own home and dropped Glenn and Garry Vian off at their homes en route. Being unable to park near his house, he stated that he parked about 70 yards away. As he walked to his house he was assaulted and robbed by two men.[756]

742 Witness statement of Michael Thorne, MPS000032001, p1, 27 March 1987. Writ of Summons served to Southern Investigations re: Belmont Car Auctions, MPS000975001, pp2-5, 4 April 1986.
743 Interview of DC Alan Purvis, MPS020644001, pp8-9 and 13, 03 April 1987.
744 Witness statement of Michael Thorne, MPS000032001, p1, 27 March 1987.
745 Interview of William Jonathan Rees, MPS020641001, p7, 4 April 1987.
746 Witness statement of Michael Thorne, MPS000032001, p1, 27 March 1987.
747 04,05,07,08,11,12,14,16,18 and 19 March 1986.
748 Invoice in respect of security guards for Belmont Car Auctions from Southern Investigations, 4 March to 8 March 1986, MPS014864001, p1, 8 March 1986.
749 Invoice from Southern Investigations to Belmont Car Auctions, MPS017050001, p1, 15 March 1986.
750 Witness statement of Michael Thorne, MPS000032001, p1, 27 March 1987.
751 Memorandum to MPS Solicitors Department from D/Supt Douglas Campbell, MPS036993001, pp2-3, 27 June 1990.
752 Witness statement of Malcolm Douglas Campbell, MPS006082001, p2, 24 May 1990.
753 Witness statement of Malcolm Douglas Campbell, MPS006082001, p2, 24 May 1990.
754 Instruction Book 1985, Chapter 5 Service Regulations, Part VIII Complaints and Discipline, Section 7 Corrupt or Improper Practice, MPS107540001, p257, 1985.
755 Copy of crime report & statements re robbery, MPS011130001, pp3-6, 18 March 1986.
756 Witness statement of Jonathan Rees, MPS001758001, p1, 19 March 1986.

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Despite a police investigation, no arrests were ever made in respect of the robbery of Jonathan Rees, and the money was never recovered.[757]

Belmont Car Auctions had instigated civil proceedings on 04 April 1986 against Southern Investigations for negligence and breach of contract to recover its losses. [758,759]

497. On 19 March 1987, information was received from Bryan Madagan, with whom both Jonathan Rees and Daniel Morgan had previously worked, that Daniel Morgan *'was of the opinion that the robbery on REES on 18.3.86 was a put up job'.*[760]

498. On 19 March 1987, David Bray, who used to work with Daniel Morgan, was asked about the 1986 robbery of Jonathan Rees and as part of his statement said that Belmont Car Auctions had issued civil proceedings against Southern Investigations to recover the money.[761]

499. On 23 March 1987, Peter Newby gave a statement in which he said Southern Investigations were being sued by Belmont Car Auctions, that Daniel Morgan had been '*upset*' about the Belmont Car Auctions' case, that '*at one stage he was going to lodge his own defence to the action thereby dissociating himself with the whole transaction*', that '*the money was not going to come from the company'* and that when Daniel Morgan returned to Southern Investigations' office on 06 March 1987, he asked Anthony Pearce to find out whether it was too late to lodge a defence to the action.[762] Peter Newby stated that, on 09 March 1987, Daniel Morgan had said that he would pay half the money required to be lodged with the High Court, but that Jonathan Rees would have to pay the other half.[763] Peter Newby also confirmed that Garry Vian and Glenn Vian were Jonathan Rees's brothers-in-law.[764]

500. On 27 March 1987, DI Allan Jones met with Michael Thorne of Belmont Car Auctions and was told that DS Sidney Fillery and other police officers had been working at Belmont Car Auctions. Michael Thorne provided a statement but refused to name the other officers involved.[765,766] Later that day, a solicitor representing Belmont Car Auctions, Richard Dukes, contacted DI Jones and named the other officers as DC Alan Purvis and DC Peter Foley.[767]

501. On 30 March 1987, D/Supt Douglas Campbell met with the solicitors for Belmont Car Auctions and was given copies of affidavits, letters and other documents showing that DS Sidney Fillery, DC Alan Purvis and DC Peter Foley were working as security guards for Southern Investigations at Belmont Car Auctions in March 1986.[768]

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757 Witness statement in respect of the robbery, MPS002147001, p2, 10 April 1987.
758 Action A338, MPS013401001, 20 March 1987.
759 Writ of Summons served to Southern Investigations re: Belmont Car Auctions, MPS000975001, pp2-5, 04 April 1986.
760 Message M79, MPS012139001, 19 March 1987.
761 Witness statement of David Bray, MPS010157001, p2, 19 March 1987.
762 Witness statement of Peter Newby, MPS015617001, pp6-7, 23 March 1987.
763 Witness statement of Peter Newby, MPS015617001, pp7-8, 23 March 1987.
764 Witness statement of Peter Newby, MPS015617001, p3, 23 March 1987.
765 Witness statement of DI Allan Jones, MPS015298001, p3, 20 July 1989.
766 Witness statement of Michael Thorne, MPS010482001, 27 March 1987.
767 Witness statement of DI Allan Jones, MPS015298001, pp3-4, 20 July 1989.
768 Report of D/Supt Douglas Campbell, MPS015762001, p3, 13 April 1987.

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502. D/Supt Douglas Campbell was told that the solicitors had written to the three police officers, DS Sidney Fillery, DC Alan Purvis and DC Peter Foley, with a view to interviewing them and calling them as witnesses. DC Purvis had replied and verbally provided details of the home addresses of Jonathan Rees, Daniel Morgan, Glenn Vian and Garry Vian.[769]

503. On 30 March 1987, Peter Newby provided information about those who he thought had been employed as guards by Jonathan Rees. He named DC Alan Purvis and DC Peter Foley as being '*known to me at an early stage on the operation. I do not know what their involvement was in the matter*' and described hearing a conversation about a week after the robbery that '*there was to be a meeting with the three officers that were implicated, that is PURVIS, FOLEY and FILLERY, and that they were instructing solicitors*'. Peter Newby also named Glenn Vian and Garry Vian as having provided security at Belmont Car Auctions, together with three other individuals.[770,771]

504. On 03 April 1987, the solicitors for Southern Investigations wrote to DI Allan Jones enclosing a copy of the pleadings in the case and stated, '*any documents or information that you may require in respect of the above action will be available to you at your request*'.[772]

505. The civil action was settled at Court on 18 July 1990. The terms of the settlement provided that the Defendants (Iris Morgan, as Daniel Morgan's widow, and Jonathan Rees) were to pay the Plaintiff (Belmont Car Auctions) the sum of £18,000 plus costs.[773]

4.16.1.1 Police officer involvement in providing security

506. D/Supt Douglas Campbell began to suspect that the work Southern Investigations had done for Belmont Car Auctions, the subsequent alleged robbery of Jonathan Rees and the ensuing civil action provided a motive for Daniel Morgan's murder.

507. D/Supt Douglas Campbell later explained: '*Mr Newby alleged that MORGAN intended to lodge a separate defence and was keen to contest the action. This would obviously have placed the three Police Officers* [DC Alan Purvis, DC Peter Foley and DS Sidney Fillery] *in a very difficult position*.'[774]

508. From the point at which the issue of Southern Investigation's involvement with Belmont Car Auctions came to the attention of the Morgan One Investigation, the Belmont Car Auctions civil action became the primary focus of the murder enquiry. D/Supt Douglas Campbell and DI Allan Jones concluded that fear of exposure that they were being paid by Southern Investigations for work at Belmont Car Auctions, might have provided a motive for involvement of DS Sidney Fillery, DC Alan Purvis and DC Peter Foley in the murder of Daniel Morgan.

509. In a later memorandum to the Metropolitan Police Solicitors Department, dated 27 June 1990, D/Supt Douglas Campbell explained why he had grounds for reasonable suspicion that the three police officers had been involved in Daniel Morgan's murder.[775] His reasons in this document were as follows:

769 Report of D/Supt Douglas Campbell, MPS015762001, pp3-4, 13 April 1987.
770 Laurie Bucknell [sic, Bucknole] and two other named or partly named males.
771 Witness statement of Peter Newby, MPS010345001, pp2-3, 30 March 1987.
772 Letter to Chief Inspector [sic] Jones from Clutton. Moore and Lavington F.R. Allen Solicitors, MPS025302001, p2, 03 April 1987.
773 Letter from James & Charles Dodd Solicitors to D/Supt Douglas Campbell, MPS015405001, p1, 20 July 1990.
774 Witness statement of D/Supt Douglas Campbell, MPS010915001, p6, 03 July 1989.
775 Memorandum to MPS Solicitors Department from D/Supt Douglas Campbell, MPS036993001, 27 June 1990.

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i. Despite national press coverage of the murder, and an internal message sent to every station in the Metropolitan Police requesting information relating to Daniel Morgan and Southern Investigations, none of the three police officers had notified D/Supt Douglas Campbell of their association with Belmont Car Auctions.

ii. Jonathan Rees had made no reference to Belmont Car Auctions in the three statements he gave in March 1987.[776]

iii. DS Sidney Fillery had made no reference to Belmont Car Auctions in the two statements he gave in March 1987.[777,778]

iv. Daniel Morgan had been of the opinion that the Belmont Car Auctions robbery of Rees was '*a put up job*'. Additionally, in a witness statement, dated 19 March 1987, David Bray said that Morgan '*had his doubts about the robbery*'.

v. Iris Morgan had described Daniel Morgan as being *'annoyed'* about the Belmont Car Auctions robbery. Other witnesses also described Daniel Morgan being upset with Jonathan Rees.

vi. Peter Newby had said, '*Daniel has always been upset about this whole affair*'. Peter Newby also stated that Jonathan Rees handed to DS Sidney Fillery a file on Belmont Car Auctions on 14 March 1987, which D/Supt Campbell said never came into the possession of the investigation team (see paragraphs 218-240 above). In fact, Peter Newby had stated that the file had been handed to DS Fillery on 11 March not 14 March.[779]

vii. On 10 March 1987 (the day of Daniel Morgan's murder), Jonathan Rees had contacted the Catford Crime Squad by telephone. D/Supt Campbell believed that this call was to DS Sidney Fillery.[780]

510. This evidence led D/Supt Douglas Campbell to conclude the following:

> *'It was my firm belief that these officers could have been involved in the murder of Daniel MORGAN. D.S. FILLERY, D.C. PURVIS and D.C. FOLEY were all highly paid Police officers and eventually would each have gained a substantial Police pension.*
>
> *'If the Police Service had known they were acting as Security Guards I feel they would have faced dismissal and between them they would have lost pay and pension rights totalling hundreds of thousands of pounds.*
>
> *'I feel that MORGAN who was clearly unpredictable, could have caused them a problem and therefore this was a motive for Murder.'*[781]

511. D/Supt Douglas Campbell noted that almost 200 statements had been taken, and over 400 investigative actions dealt with. It was his view that '[a]*part from REES no other person other than possibly Detective Sergeant FILLERY, had come to notice who definitely knew that*

776 11 March 1987, 16 March 1987 and 20 March 1987.
777 Witness statement of DS Sidney Fillery, MPS010349001, 14 March 1987.
778 Morgan One document D470, *'Notes of Sid FILLERY's relationship with REES'*, MPS011583001, undated.
779 Witness statement of Peter Newby, MPS010345001, p4, 30 March 1987.
780 Report by D/Supt Douglas Campbell, MPS015762001, p5, 13 April 1987.
781 Memorandum to MPS Solicitors Department from D/Supt Douglas Campbell, MPS036993001, pp2-3, 27 June 1990.

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[Daniel] *MORGAN would be in the Golden Lion Public House on the evening of his murder*'.[782] Contrary to this, D/Supt Campbell had stated to Jonathan Rees at his interview on 03 April 1987 that a number of police officers, Paul Goodridge and Anthony Pearce may also have been aware that Daniel Morgan would be in the Golden Lion public house that evening.[783]

5 The identification of suspects and their arrests for the murder of Daniel Morgan

5.1 What was known by 31 March 1987

512. By 31 March 1987, D/Supt Douglas Campbell had gathered significant evidence in the form of statements about the movements of Daniel Morgan and Jonathan Rees on 09 and 10 March 1987. Having also identified concerns about the relationship between Jonathan Rees and DS Sidney Fillery, D/Supt Campbell formed the view that Jonathan Rees and DS Fillery were suspects in connection with Daniel Morgan's murder.[784] He had suspicions that the two other police officers, DC Alan Purvis and DC Peter Foley, may have been involved in the murder because of their involvement with the Belmont Car Auctions security arrangements and their being contacted as witnesses in the civil action against Southern Investigations. Finally, D/Supt Campbell had suspicions about Jonathan Rees's brothers-in-law, Garry and Glenn Vian, who had been present at Belmont Car Auctions and had accompanied Jonathan Rees before he was allegedly robbed of the takings in 1986.[785,786,787]

513. In this context, by 31 March 1987, the Panel is aware that the Morgan One Investigation had evidence to show the following:

i. Jonathan Rees, DS Sidney Fillery, DC Alan Purvis, DC Peter Foley, Glenn Vian and Garry Vian had all been involved in the provision of security at Belmont Car Auctions in 1986, and Belmont Car Auctions was suing Southern Investigations for the £18,280.62 which had allegedly been stolen from Jonathan Rees in March 1986.[788]

ii. Jonathan Rees's wife, Sharon Rees, was the sister of Garry and Glenn Vian, who were also suspects, and Paul Goodridge was the uncle of Kim Vian, who was the wife of Glenn Vian, a suspect.[789]

iii. DS Sidney Fillery had described arranging a meeting in the Golden Lion public house on 09 March 1987 during a chance encounter on Sydenham Road during the afternoon of that day.[790] Jonathan Rees had not mentioned any such encounter.

iv. Jonathan Rees had been drinking on the night of Monday 09 March 1987 in the Golden Lion public house with Daniel Morgan, DS Sidney Fillery and others (see paragraphs 422-430 above).[791,792]

782 Report by D/Supt Douglas Campbell, MPS015762001, p5, 13 April 1987.
783 Interview of Jonathan Rees, MPS026827001, pp59-60, 03 April 1987.
784 Policy decision 6, MPS017102001, 31 March 1987.
785 Witness statement of Peter Newby, MPS010345001, p1, 30 March 1987.
786 Witness statement of Michael Thorne, MPS010482001, 27 March 1987.
787 Metropolitan police report submitted by D/Supt Douglas Campbell, MPS015762001, p7, 13 April 1987.
788 Writ of Summons served to Southern Investigations re: Belmont Car Auctions, MPS015376001, 04 April 1986.
789 Witness statement of Jean Wisden, MPS010449001, p7, 25 March 1987.
790 Witness statement of DS Sidney Fillery, MPS010349001, p2, 14 March 1987
791 Witness statement of DS Sidney Fillery, MPS010349001, pp2-4, 14 March 1987.
792 Witness statement of PS Phillip Barrett, MPS015994001, 16 March 1987.

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v. Jonathan Rees had telephoned the Catford Crime Squad at Catford Police Station at 11.07 am on 10 March 1987,[793] and he received an incoming call on his car phone at 11.12 am. In his statement, he had not said who had telephoned him.[794]

vi. Jonathan Rees had stated on 11 March 1987 that during the previous morning in Southern Investigations' office, Daniel Morgan, Paul Goodridge and he had agreed to meet that evening at the Golden Lion public house, and that Paul Goodridge had not attended that meeting.[795] However, Paul Goodridge had stated, on 12 March 1987, that he had no recollection of agreeing to meet Jonathan Rees in the Golden Lion on the night of 10 March 1987.[796] Although Paul Goodridge had told officers that he had no recollection of agreeing to meet Jonathan Rees and Daniel Morgan, he also said '[c]*onversation may have past* [sic] *but I didn't take any notice*'.

vii. Solicitor Michael Goodridge (no relation to Paul Goodridge) had said, on 14 March 1987, that he had met Jonathan Rees at about 6.15 pm on 10 March in the Victory public house, and left with Jonathan Rees at 7.00 pm. He had asked Jonathan Rees where Daniel Morgan was at that time, and Jonathan Rees had replied that Daniel Morgan was with Margaret Harrison.[797] However, on 11 March 1987, Jonathan Rees had stated that he did not know where Daniel Morgan had been going when he left the office at around 6.00 pm on 10 March.[798]

viii. It was alleged that a man thought to be Jonathan Rees had left his table at the Golden Lion public house at around 9.00 pm on 10 March 1987, returning a few minutes later wearing a white raincoat and gloves.[799]

ix. Jonathan Rees had stated that when he left, Daniel Morgan was writing on a piece of paper.[800] Numerous pieces of paper, including business cards and receipts with handwriting on them, were found on Daniel Morgan's body.[801] It was not known whether one of these was the paper on which he had allegedly been writing before his death. It was recorded that no pen had been found.[802]

x. Peter Newby had stated that Jonathan Rees had told him that Daniel Morgan '*went white and said that he didn't feel all that well and was going home*'.[803] This is not consistent with Jonathan Rees's statement in which he had said that Daniel Morgan was '*in an ordinary and relaxed state of mind*' in the Golden Lion public house.[804]

793 Witness statement of Jonathan Rees, MPS010012001, p2, 20 March 1987
794 Witness statement of Jonathan Rees, MPS010012001, p2, 20 March 1987.
795 Witness statement of Jonathan Rees, MPS021752001, p7, 11 March 1987.
796 Witness statement of Paul Goodridge, MPS026840001, pp3-4, 12 March 1987.
797 Witness statement of Michael Goodridge, MPS010250001, p3, 14 March 1987.
798 Witness statement of Jonathan Rees, MPS021752001, p6, 11 March 1987.
799 Witness statement of Person T4, MPS010238001, p5, 12 March 1987.
800 Witness statement of Jonathan Rees, MPS021752001, p7, 11 March 1987.
801 Witness DS Malcolm Davidson, cross-examined by June Tweedie, Transcript of the Inquest into the death of Daniel Morgan, INT000054001, p5, Inquest Sixth Day, 18 April 1988.
802 In 2016 it was reported that a Parker pen had been found in Daniel Morgan's car sometime after the murder in 1987 (Witness statement of DS Gary Dalby, MPS109531001, pp1-2, 29 April 2016). Failure to package the pen as an exhibit and keep it secure meant that there was no continuity in respect of any evidence which might have been obtained from this pen. It cannot be assumed that this was the pen with which Daniel Morgan was alleged by Jonathan Rees to have been writing.
803 Witness statement of Peter Newby, MPS007953001, p6, 30 March 1987.
804 Witness statement of Jonathan Rees, MPS021752001, p7, 11 March 1987.

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xi. Peter Newby stated that the morning after the murder, Jonathan Rees had told him that he left the Golden Lion public house at the same time as Daniel Morgan, and that they went out through separate doors.[805]

xii. Daniel Morgan allegedly parked his car in the corner of the dark car park, at a public house to which he did not normally go, and when he went out to his car he was murdered. Although his Rolex watch, which his wife had said he was wearing,[806] was not to be found, D/Supt Douglas Campbell concluded that because he had over £1,000 in his pocket when he was found, robbery was not an obvious motive for the attack.[807]

xiii. Daniel Morgan had not been recognised by the landlord at the Golden Lion public house when he was found murdered there on 10 March 1987.[808]

xiv. Very few people had known that Daniel Morgan was going to be in the Golden Lion public house on 10 March 1987.[809]

xv. There was evidence of discrepancies arising from the comparison of statements taken from Jonathan Rees, Sharon Rees, Paul Goodridge and Jean Wisden about the timing of telephone calls made from and received by Jonathan Rees's car phone after he left the Golden Lion public house at about 9.00 pm on 10 March 1987. Six calls had been identified on his car telephone between 9.04 pm and 11.15 pm:[810] at 9.04 pm, 9.17 pm, 9.19 pm, 9.21 pm, 9.23 pm and 11.15 pm.

xvi. Jonathan Rees had described in his witness statement of 11 March 1987 the materials taken from Southern Investigations by police on that date. He made no reference to any files or case-specific paperwork belonging to Southern Investigations.[811]

xvii. A file relating to the Belmont Car Auctions issue was alleged by Peter Newby to have been taken from Southern Investigations by DS Sidney Fillery. [812]

5.2 Possible involvement of police officers in the murder

514. D/Supt Douglas Campbell became increasingly concerned at the possibility that police officers might have been involved in Daniel Morgan's murder and decided to request a change in the management of the investigation.

515. On 31 March 1987, a meeting was organised by Commander Alan Fry, who was aware of the concerns which had arisen in the context of the three police officers, DS Sidney Fillery, DC Alan Purvis and DC Peter Foley. He later stated that, by 31 March 1987, he had already '*determined that the three officers would have to be questioned in depth and their houses searched. At that time, they were suspects as to the murder.*'[813] The meeting was attended by Commander Fry, Commander Kenneth Merton of the Metropolitan Police Complaints

805 Witness statement of Peter Newby, MPS007953001, p7, 30 March 1987.
806 Witness statement of Iris Morgan, MPS010373001, pp13-14, 17 March 1987.
807 Entry on National Crime Pattern Analysis database, MPS011160001, 16 March 1987
808 Witness statement of the landlord, MPS010291001, pp2-3, 15 March 1987.
809 Metropolitan Police report submitted by D/Supt Douglas Campbell, MPS015762001, p5, 13 April 1987.
810 Print out of car phone of Jonathan Rees (Exhibit JO/2), MPS025539001, p4, 17 March 1987.
811 Witness statement of William Jonathan Rees, MPS021752001, 11 March 1987.
812 Witness statement of Peter Newby, MPS007953001, pp4-5, 30 March 1987.
813 Witness statement of Commander Alan Fry, MPS006092001, p3, 11 June 1990.

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Investigation Bureau (CIB), DCS Douglas Shrubsole and D/Supt Douglas Campbell. Former D/Supt Campbell told the Panel that at that meeting he explained what had been identified in terms of potential wrongdoing by the three police officers.[814]

516. As a result of this meeting, D/Supt Douglas Campbell recorded the following decision in his policy file: '*Following conference with Commander Fry and Commander Merton C.I.B. – investigation to remain under control of D/Supt. Campbell.*'[815] When interviewed by the Panel about this, D/Supt Campbell said that he had recorded in his policy file his '*request for the investigation to be taken over by an outside police force because of police involvement with REES, or by a team from New Scotland Yard*'.[816]

517. It was decided, however, that D/Supt Douglas Campbell should remain as the Senior Investigating Officer for Daniel Morgan's murder.[817] Commander Kenneth Merton indicated that an officer would be appointed to investigate the conduct of the three police officers, DS Sidney Fillery, DC Alan Purvis and DC Peter Foley. DCI Roy Sutherland was appointed to deal with such disciplinary matters.[818]

518. Commander Alan Fry stated later that '*I am satisfied that the right decision was made to leave the investigation with Detective Superintendent CAMPBELL. An important matter was that he had been conducting the enquiry for the best part of three weeks.*'[819] D/Supt Douglas Campbell told the Panel in interview that he thought it odd that his request had been refused but felt that he had no choice in the matter.[820]

519. Commander Alan Fry's conclusions were appropriate in the circumstances. At this stage there was insufficient cause to bring in an outside investigator.

5.3 Preparations for the arrests and searches

520. It was decided at the meeting on 31 March (see paragraph 515 above) that DS Sidney Fillery, DC Alan Purvis and DC Peter Foley, Jonathan Rees, Glenn Vian and Garry Vian should be arrested in connection with the murder and that search warrants should be obtained so that their premises could be searched.[821]

521. Following that meeting, D/Supt Douglas Campbell made policy decision number 6. He stated:

> '*Following conference with Commander FRY and Commander MERTON CIB – investigation to remain under control of D/Supt CAMPBELL. Search warrants to be obtained for home addresses of DS FILLERY, DC PURVIS and DC FOLEY together with John REES, Glen VIAN* [sic] *and Gary VIAN* [sic] *– all to be arrested and interviewed re Murder.*

814 Note from former D/Supt Douglas Campbell following his meeting with the Panel on 11 February 2015.
815 Policy file decision 6, MPS017102001, 31 March 1987.
816 Panel interview with former D/Supt Douglas Campbell, 11 February 2015.
817 Witness statement Commander Alan Fry, MPS006092001, p4, 11 June 1990.
818 Witness statement of Commander Alan Fry, MPS006092001, p4, 11 June 1990.
819 Witness statement of Commander Alan Fry, MPS006092001, p4, 11 June 1990.
820 Panel interview with former D/Supt Douglas Campbell, 11 February 2015.
821 Witness statement of Commander Alan Fry, MPS006092001, p4, 11 June 1990.

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'REASONS – Possible Police involvement with Southern Investigations.'[822]

522. DS Sidney Fillery, DC Alan Purvis and DC Peter Foley were arrested for murder because of their connection with Belmont Car Auctions and the growing suspicion that this may have been part of a possible motive. In a statement of 03 July 1989, D/Supt Douglas Campbell referred to the fact that Glenn and Garry Vian were arrested and said '[t]*he VIAN brothers are related to REES by marriage and were employed by him as Security Guards at Belmont Car Auctions*'.[823]

523. This policy decision was further explained by Commander Alan Fry, who stated on 11 June 1990 that he had determined that the three officers would have to be questioned because of their involvement with Belmont Car Auctions, as they had not reported their activities as security guards there, and because DC Peter Foley and DC Alan Purvis had not made known to D/Supt Douglas Campbell '*their knowledge of REES and MORGAN*' even though '*an all stations message was sent asking any officers with knowledge of REES or MORGAN to come forward*'. Commander Fry also stated that there was a further suspicion that '*the officers, taken collectively, might be instrumental in disposing of paperwork which would show the connection between them, REES and Belmont Car Auctions*'.[824]

524. This statement by Commander Alan Fry was prepared as part of the defence to civil proceedings brought by two of the officers, DC Peter Foley and DC Alan Purvis, against the Metropolitan Police, in relation to their arrests. There is no contemporaneous record available of Commander Fry's decision-making.[825]

525. A further meeting took place on 02 April 1987, attended by DCS Douglas Shrubsole and D/Supt Douglas Campbell. Also present were D/Supt David Parkinson, D/Supt William Hatfull and D/Supt Rodney Bellis,[826] who were to be the arresting and interviewing officers for DS Sidney Fillery, DC Alan Purvis and DC Peter Foley, respectively, while D/Supt Douglas Campbell was to arrest Jonathan Rees.[827,828] Other officers were instructed to arrest Garry Vian and Glenn Vian.[829,830]

526. A document entitled 'Operation' was handed by D/Supt Douglas Campbell to the teams of arresting and searching officers to inform them of the strategy for the proposed arrests and searches.[831] It stated the following:

> *'It is proposed to search the home addresses of the three police officers, the address of REES and Southern Investigations, the addresses of the VIAN brothers and to arrest all parties.*
>
> *'The Police Officers will be taken to Bromley, Orpington and Bexleyheath whilst REES will be taken to Catford.*
>
> *'It is proposed to take the VIAN brothers to Croydon.*

822 Policy Decision 6, MPS017102001,31 March 1987.
823 Witness statement of D/Supt Douglas Campbell, MPS010915001, p7, 03 July 1989.
824 Witness statement of Commander Alan Fry, MPS006092001, p3, 11 June 1990.
825 Witness statement Commander Alan Fry, MPS006092001, p1, 11, June 1990.
826 Witness statement of D/Supt Douglas Campbell, MPS006082001, p3, 24 May 1990 (unsigned).
827 Document titled OPERATION – handwritten note, MPS014865001, p1, undated.
828 Witness statement of D/Supt Douglas Campbell, MPS006082001, p3, 24 May 1990 (unsigned).
829 Witness statement of DC Richard Davis, MPS010569001, p1, 09 April 1987.
830 Witness statement of DC Kinley Davies, MPS010497001, 09 April 1987.
831 Document titled OPERATION, MPS014865001, undated.

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'In connection with the searches we are looking for a Rolex watch, elastoplast and any signs that axes or other hand held tools have elastoplast on the handles. Also correspondence relating to any connection with Southern Investigations or Belmont Car Auctions.

'[...] *Obviously the parties will have to be interviewed regarding the Murder and this will involve the Discipline enquiry.'*

527. There is no evidence, in the preparation of the search warrants:

i. that there had been any consideration of forensic opportunities which might have arisen as a consequence of work which was ongoing at the beginning of April 1987 on material submitted to the Forensic Science Laboratory. By 19 March 1987,[832] Philip Toates, the forensic scientist, had recovered fibres from the murder weapon onto four Sellotape strips, which he secured on acetate sheets. He marked these sheets as Tapes 1, 2, 3 and 4. He did not examine the tapes until 10 April, a week after the arrests. Ninety-three fibres were ultimately recovered, ten of which were of a red viscose type and others of a different, dark fibre, a wool material. The red viscose fibres were fine and '*would indicate a possible lining material of trousers or a jacket*'.[833] This information could have informed the searches.

ii. that Philip Toates was asked to search for fibres or anything else which might have informed the instructions for searching the homes of those who were arrested.

528. The warrants for the searches were sworn on 01 and 02 April 1987.[834,835,836,837,838,839,840]

529. The 'Operation' document was inadequate to inform the officers involved of what was required of them during the arrests of the six named individuals and the consequential searches. It provided a very limited list of the articles to be seized during the searches and did not instruct officers to look for any particular clothing or other general items. The 'Operation' document should have contained more information for the six teams of officers conducting the searches.

832 Witness statement of Philip Toates, MPS079447001, pp2-4, 10 August 2009.
833 Message M323 from Metropolitan Police Laboratory, MPS012366001, 12 June 1987.
834 Warrant to search 53, High Street, Thornton Heath, MPS014848001, 01 April 1987.
835 Warrant to search home address of DC Peter Foley, MPS014844001, 02 April 1987.
836 Warrant to search home address of Jonathan Rees, MPS014847001, 01 April 1987.
837 Warrant to search home address of DS Sidney Fillery, MPS014845001, 02 April 1987.
838 Warrant to search home address of DC Alan Purvis, MPS014846001, 02 April 1987.
839 Warrant to search home address of Glenn Vian, MPS025473001, 01 April 1987.
840 Warrant to search home address of Garry Vian, MPS025482001, 01 April 1987.

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530. A search for clothing was particularly necessary as it might have uncovered relevant evidence. Since Jonathan Rees was the last known person to have seen Daniel Morgan alive, D/Supt Douglas Campbell should, at least, have briefed his officers to search for and seize any items similar to the clothes which Jonathan Rees was wearing on the day of the murder, as described by the various witnesses, and any black or dark shoes. Although the clothing which Jonathan Rees was wearing when he attended Catford Police Station had been subjected to a visual check on the night of the murder, further scientific tests could have been conducted to detect, for example, the presence of Daniel Morgan's blood.

531. The search warrants for Garry Vian and Glenn Vian's houses were obtained under the Theft Act 1968 and related only to the Rolex watch. There is no explanation in the papers available to the Panel as to why this was done. The Panel accepts it was valid to search for the Rolex watch. However, the two men were being investigated in connection with a murder. The warrants should, therefore, have been obtained under Section 8 of the Police and Criminal Evidence Act 1984, and they should have specified an appropriate range of material.

5.3.1 The leak of information to the media about the arrests on 03 April 1987

532. Information about the planned arrests 'leaked' to the media from the Morgan One Investigation on 02 April 1987. There is no evidence that the Morgan One Investigation was aware of this.

533. Four months later, however, on 05 August 1987, information was received by the Morgan One Investigation from a named person to the effect that Person U25 had been told by a friend called 'Len', who was party to a conversation by or with police officers, that Daniel Morgan was '*to receive a hiding*' and '*that an axe was used*'. 'Len' had said that he had a tape of this conversation which was lodged with a solicitor.[841]

534. On 20 August 1987, D/Supt Douglas Campbell, DI Allan Jones and a police officer from Number 5 Regional Crime Squad carried out enquiries in Cambridge and established that Person U25 would not deal directly with police as he believed them to be corrupt, that both the named person and Person U25 had provided information in the past to a freelance reporter, Michael Jeacock, which was '*sometimes good but at times rubbish*',[842] and that Michael Jeacock said he had telephoned the *Daily Mirror* newspaper on 02 April 1987 and passed on the information he had received from Person U25: that three police officers were involved in the murder and were suspended or arrested.[843,844]

841 Message M421, Information from a named person re Person U25, MPS012481001, 05 August 1987.
842 Message M451, MPS012511001, 21 August 1987.
843 Message M451, MPS012511001, pp2-4, 21 August 1987.
844 Witness statement of Michael Jeacock, MPS010812001, 28 October 1987.

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535. Person U25 was traced and interviewed by the police in November 1987. He provided a statement, saying that on a date he could not remember early in 1987, he had received a telephone call from a man named Len Beauchamp, (also known as Sanderson), who had informed him about an incident in Sydenham which had been intended to be a beating, but which had resulted in the murder of a private detective. Person U25 claimed he had been told:

i. that two police officers had been involved in setting up the attack, one of whom was a Police Sergeant;

ii. that a tape recording existed '*of them setting it up*' and that the tape was '*with a legal man down near Gatwick*';

iii. that six men, including three serving police officers, had been arrested;

iv. that fingerprints had been found on the weapon used;

v. that this news had not yet been covered by the press; and

vi. that he should contact his press contacts to verify the story.[845]

Person U25 confirmed that he had approached Michael Jeacock, a freelance journalist in Cambridge, and told him this story.[846]

536. The information received from Len Beauchamp stimulated a significant investigation trail which proved inconclusive. Len Beauchamp's identity was never established.[847,848,849,850,851,852,853,854,855,856,857,858,859,860,861,862,863,864]

537. The six suspects, Jonathan Rees, DS Sidney Fillery, Glen Vian, Garry Vian, DC Alan Purvis and DC Peter Foley, were duly arrested on 03 April 1987. The day after the arrests, the *Daily Mirror* published a report by Sylvia Jones and Georgina Walsh about the murder.[865]

538. On 02 November 1987, Sylvia Jones provided a statement to police saying that she had been contacted by her news desk during the early evening of 02 April 1987, to tell her that they '*had received a tip that three Policemen were involved with the murder* [of Daniel Morgan] *and*

845 Witness statement of Person U25, MPS010825001, pp6-10, 04 November, 1987.
846 Witness statement of Person U25, MPS010825001, p8, 04 November 1987.
847 Message M421 from a witness to problems establishing Len Beauchamp's identity, MPS012481001, 05 August 1987.
848 Message M430 from a Detective Constable, MPS012490001, 12 August 1987.
849 Message M438 to a Detective Constable, MPS012498001, 17 August 1987.
850 Action A1132, MPS014195001, 17 August 1987.
851 Message M451 from DI Allan Jones, MPS012511001, 21 August 1987.
852 Message M534 from Person U25, MPS012594001, 26 October 1987.
853 Action A1335, MPS014398001, 26 October 1987.
854 Action A1337, MPS014400001, 27 October 1987.
855 Action A1338, MPS014401001, 27 October 1987.
856 Witness statement of Person U25, MPS016584001, 30 October 1987.
857 Witness statement of Person U25, MPS016585001, 04 November 1987.
858 Witness statement of Michael Jeacock, MPS016586001, 28 October 1987.
859 Witness statement, MPS016587001, 02 November 1987.
860 Witness statement of Sylvia Jones, MPS016588001, 02 November 1987.
861 Message M599 from DVLC Liaison Office, MPS012659001, 18 November 1987.
862 Action A1414, MPS014477001, 18 November 1987.
863 Action A1415, MPS014478001, 18 November 1987.
864 Action A1647, MPS014710001, 17 March 1988.
865 *Daily Mirror*: 'Three Cops Quizzed Over Axe Murder', MPS014827001, p69, 04 April 1987.

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were being questioned by Detectives'.[866] Sylvia Jones subsequently stated that she attempted to verify the information by contacting a number of her associates, including the Press Bureau at New Scotland Yard or the South London area Press Liaison Officer. She said she had attempted to contact D/Supt Douglas Campbell, '*but could not contact him*'. She also stated she then contacted Southern Investigations and '*may well have warned REES of the impending operation*'.[867] There is nothing in the material available to suggest that Sylvia Jones deliberately warned Jonathan Rees about the forthcoming arrest operation.

539. Although no media reports regarding the arrests on 03 April 1987 appeared until the following day, it is clear that the fact that police officers were to be arrested was known to persons inside and outside the murder investigation team, and that this information was passed to journalists.

540. It is very probable that some, if not all, of those arrested had warning of the arrests, which would have enabled them to take any action they thought necessary prior to the arrests and afforded them the opportunity to ensure that no incriminating material, should such have existed, was to be found in property owned by them.

This was a major compromise of the Morgan One Investigation. The source of the leak has not been identified with any certainty, nor is it known whether the story was leaked for financial gain, to protect someone, or for some other reason. The person or persons who leaked the information originally would have known they should not have disclosed the information. Therefore, this was a deliberate and corrupt act.

541. This leak was one of the early causes of concern about possible police officer corruption during the Daniel Morgan murder investigation.

542. It subsequently became known that a private investigator and former police officer, former DS John Ross, had been brought into the investigation room on a date likely to have been 02 April 1987 by DC Donald Leslie, a member of the investigation squad.[868]

543. DC Donald Leslie was removed from the investigation by D/Supt Douglas Campbell on 16 April 1987. D/Supt Campbell recorded a decision to '[r]*eturn D.C. Leslie to normal duties*'because he '[h]*as contacts with ex Police Officers who may be connected with Southern Investigations*'.[869]

544. On 08 December 1987, a formal complaint was made by Jonathan Rees comprising a number of allegations, among which was a complaint that '*DS Lesley* [DC Donald Leslie] *allowed a reporter from the "Today" newspaper access to the murder squad incident room [...] where this reporter obtained details of Mr Rees's home address, telephone number and personal details*'.[870] DCS David Lamper was appointed to investigate Jonathan Rees's complaint (see paragraphs 991-1012 below).

866 Witness statement of Sylvia Jones, MPS010814001, p1, 02 November 1987.
867 Message M545 from DI Allan Jones, MPS012605001, 02 November 1987.
868 Report R2 of DI Rex Carpenter, MPS027949001, 13 June 1989.
869 Policy Decision 8, MPS017104001, 16 April 1987.
870 Solicitor's letter concerning formal complaint made by Jonathan Rees against D/Supt Douglas Campbell, DI Allan Jones, DC Donald Leslie, DC David Hall, and DS Sidney Fillery, MPS037129001, p3, 08 December 1987.

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545. Jonathan Rees subsequently told DCS David Lamper that he had been told by an unnamed police officer, '*that LESLIE had received payment for information supplied to the newspaper about him*' and that '*he had heard the sum of £5,000 mentioned as the sum involved*'.[871] Jonathan Rees said that '*it was only rumour he had heard and that he had nothing on which to base his allegations*'.[872]

546. DCS David Lamper sought to interview the two *Today* reporters who had worked on the Daniel Morgan murder and the News Editor responsible for payments, to establish whether there was any evidence to confirm Jonathan Rees's complaint. On legal advice, all three declined to answer any questions.[873]

547. In June 1988, DC Donald Leslie was interviewed by DCS David Lamper and stated that he knew no one employed by the *Today* newspaper. He also stated that he had been told by D/Supt Douglas Campbell that he had been removed from the investigation because D/Supt Campbell believed that he had spoken to the media.[874]

548. In August 1988, D/Supt Douglas Campbell told DCS David Lamper that DC Donald Leslie was not dismissed as a result of anything to do with the press, but that his services were dispensed with because he was friendly with former police officers who might be connected with Southern Investigations.[875]

549. In November 1988, DS Malcolm Davidson made a statement that '*no members of the Press were permitted access to the incident office because of the sensitive nature of the information displayed on the notice boards. This policy was strictly adhered to.*'[876]

550. DCS David Lamper reported in relation to this allegation that, although '[t]*he staff of the "Today" newspaper declining to comment at all on their role in reporting on the MORGAN murder case has made the enquiry into this aspect somewhat unsatisfactory* […] *Detective Superintendent CAMPBELL removed the officer from the enquiry for a reason completely unconnected with the Press*'. There being no other evidence to support the allegation, he recommended that the allegation against DC Donald Leslie be recorded as '*Unsubstantiated*'.[877]

551. In June 1989, DC Donald Leslie stated to the Hampshire/Police Complaints Authority Investigation that:

> *'During the enquiry I met Ex-DS John ROSS who is now a Private Detective and has an office at Briefs Wine Bar, Southwark. He knew DS FILLERY previously and I recall having discussions with John ROSS regarding DS FILLERY. On one occasion I went with John to the Sydenham Incident Room* [Morgan One Investigation room] *where we met DS DAVIDSON.'*[878]

DC Leslie did not state when this happened.

871 Report by DCS David Lamper; Complaint against police, MPS015325001, p9, 17 November 1988.
872 Report by DCS David Lamper; Complaint against police, MPS015325001, p9, 17 November 1988.
873 Report by DCS David Lamper; Complaint against police, MPS015325001, p9, 17 November 1988.
874 Interview of DC Donald Leslie by DCS David Lamper, MPS038977001, pp2-3, 22 June 1988.
875 Interview of D/Supt Douglas Campbell by DCS David Lamper, MPS038437001, p31, 23 August 1988.
876 Witness statement of DS Malcolm Davidson, MPS029491001, p1, 11 November 1988.
877 Report by DCS David Lamper; Complaint against police, MPS015325001 p53, 17 November 1988.
878 Witness statement of DC Donald Leslie, MPS018708001MPS018558001, 13 June 1989.

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552. The question of when former DS John Ross had been in the Morgan One Investigation room was further pursued by the Hampshire/Police Complaints Authority Investigation in June 1989. DI Rex Carpenter recorded that DS Malcolm Davidson told him that he was '*certain that it was the day before the police officers were arrested when D/Supt CAMPBELL held a briefing at Sydenham*'.[879]

553. DI Rex Carpenter, having interviewed DC Donald Leslie on 13 June 1989, recorded that:

> '[DC Donald Leslie] *was well aware of why he was taken off of the squad, having been told by D/Supt CAMPBELL, that he (CAMPBELL) had 3 sources of information concerning LESLEY* [sic] *"leaking" information to the media concerning the investigation. LESLEY [sic] completely denied the allegation and still does, although he was far from convincing. LESLEY* [sic] *was a personal friend of a John ROSS, a private detective, and ex Det Sgt in the MPD* [sic – John Ross was a former MPS officer]. *ROSS had numerous contacts in Fleet St, and worked from an office at "Briefs" Wine Bar, where his brother was a partner with a solicitor who is now serving a term of imprisonment for his involvement in the Brinksmat* [sic] *enquiry.*'[880]

554. In 2015, former D/Supt Douglas Campbell told the Panel that DC Donald Leslie had been assigned to assist in one of the arrest teams on 03 April 1987, but had not attended work, and former D/Supt Campbell felt he may have notified the press regarding the arrests.[881] In fact, there is evidence that DC Leslie did attend work on 03 April 1987 and took notes of an interview conducted by D/Supt Campbell.[882] Former DS Malcolm Davidson told the Panel in 2015 that neither the press nor Jonathan Rees '*would have known about the arrests before they happened. The decision to make the arrests was taken very quickly after the team found out about Belmont, and only a small number of people knew about the plans*.'[883]

555. In 2020, former D/Supt Douglas Campbell stated to the Panel that although he did not recall John Ross, he took steps to remove DC Donald Leslie from the investigation when he was informed that DC Leslie was friendly with former police officers who may have been connected with Southern Investigations. He also said that he took steps to confront corrupt behaviour within the police, including arresting three police officers and requesting that his investigation be transferred to an outside force.

556. The Panel is satisfied that DC Donald Leslie was removed from the investigation because he was too close to former police officers. According to DS Malcolm Davidson's account to the Hampshire/Police Complaints Authority Investigation, DC Leslie took former DS John Ross into the Morgan One Major Incident Room on 02 April 1987, the day before the arrests were made. The leak of information occurred that day, although the identity of the person leaking the information has not been established.

879 Officers report R2 by DI Rex Carpenter, MPS024826001 MPS027949001, p2, 13 June 1989
880 Officers report R2 by DI Rex Carpenter, MPS027949001, pp1-2, 13 June 1989.
881 Panel interview with Douglas Campbell, p2, 11 February 2015.
882 Interview of Jonathan Rees, MPS000716001, 03 April 1987.
883 Panel interview with former DS Malcolm Davidson, 20 October 2015.

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557. D/Supt Douglas Campbell should have referred the matter for investigation as soon as he became aware of former DS John Ross's presence in the Morgan One Major Incident Room. The failure to do so was indicative of the failure by police management to confront corrupt behaviour.

5.4 The arrests of the suspects

5.4.1 The arrest and interview of Jonathan Rees

558. D/Supt Douglas Campbell, DI Allan Jones and WDS Christine Fowles went to Jonathan Rees's home at 6.30 am on 03 April 1987. Jonathan Rees was not in the house at the time. When he returned at 6.45 am, D/Supt Douglas Campbell arrested him on suspicion of the murder of Daniel Morgan, and he was subsequently transported to Catford Police Station.[884]

559. The search warrant for Jonathan Rees's house stated that the police were seeking '*files, diaries & documents relating to the business carried out by Southern Investigations*'.[885] Five items were taken for forensic analysis: two pieces of adhesive tape, adhesive tape and protective backing for adhesive tape, a Band Aid box containing adhesive tape and *a* '*cut-throat*' razor.[886]

560. When Jonathan Rees's car was searched by D/Supt Douglas Campbell, a police file was found, together with a police property bag containing a screwdriver. D/Supt Campbell stated that when he asked Jonathan Rees about this, Jonathan Rees replied that he had been to court '*on Tuesday*' with DS Sidney Fillery and that DS Fillery had left the file and the bag in his car.[887] D/Supt Campbell stated that he then asked Jonathan Rees who else had been with them on that day, to which Jonathan Rees explained there was a police officer on the Catford Crime Squad. This officer was identified by the Morgan One Investigation as Police Officer N21.[888] In 2017, the Panel asked former D/Supt Campbell about this incident, to which he responded on 04 April 2017 that he had no memory of it.

561. There is no evidence among the papers available to the Panel of any action having been taken by D/Supt Douglas Campbell in relation to the police file and evidence bag found in Jonathan Rees's car. There is no evidence that DS Sidney Fillery was questioned about the matter. This was a serious omission for which no explanation was given. This was a matter which should have been referred for immediate investigation, as it indicates possible misconduct by DS Fillery. It is also indicative, at the very least, of the very close and unprofessional relationship which DS Fillery had with Jonathan Rees. Jonathan Rees should not have had possession of a police file or a police property bag containing evidence.

884 Witness statement of D/Supt Douglas Campbell, MPS010913001, 06 April 1987.
885 Copy of search warrant under section 8 of the Police and Criminal Evidence Act 1984 for the home of Jonathan Rees, MPS025943001, 01 April 1987.
886 886 Witness statement of DI Allan Jones, MPS005927001, p1, 09 April 1987.
887 Witness statement of D/Supt Douglas Campbell, MPS010913001, p2, 06 April 1987.
888 Witness statement of Police Officer N21, MPS010849001, p7, 20 November 1987.

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562. Jonathan Rees's office at Southern Investigations was also searched. Four diaries, various letters about Belmont Car Auctions, a telephone book and various documents and files were seized.[889,890] Most of these items were recorded as being restored to Peter Newby on 18 May 1987. An '*indexed red book*' and '*a telephone message book*' had already been returned to Peter Newby on 05 May 1987.[891]

563. Some of the material seized from Jonathan Rees's house was later sent for forensic examination (see paragraphs 665-674 below). Jonathan Rees's car was not examined for fibres or other material after his arrest.

564. During the journey to Catford Police Station, D/Supt Douglas Campbell put a series of comments and questions to Jonathan Rees. The exchange in the car between the two men was recorded verbatim by DI Allan Jones, who included the recorded exchange in a statement six days later.[892]

565. DI Allan Jones's notes record the following conversation (line breaks added):

> *'Det Supt Campbell said* [to Jonathan Rees] *I had better tell you that certain Police Officers have been arrested who I believe were involved with you in Belmont Cars.*
>
> *'Rees said You can't expect me to put any police officers* [sic] *career on the line.*
>
> *'Det Sup Campbell* [said] *I'm trying to investigate a murder* [and] *I believe that you have not been truthful in the past. Rees made no reply.*
>
> *'D Supt Campbell said Goodridge denies that he had any arrangements to meet you in the Golden Lion PH. Rees said The mans* [sic] *a fool.*
>
> *'DSupt Campbell said I have made a lot of enquiries since the murder & I believe that the robbery involving Belmont cars* [sic] *money was a put up job.*
>
> *'Rees said I spent six days in hospital with damage to my eyes.*
>
> *'Dsupt Campbell said That does not mean you were robbed.*
>
> *'Rees said I was robbed you want to look at people at the auction*
>
> *'DSupt Campbell said ive* [sic] *read your affidavit and I know of the involvement of police. I'm trying to investigate a murder and I feel that you and other people have not been as truthful as you could have been*
>
> *'He* [Jonathan Rees] *said I've passed all information to your office*
>
> *'Det Supt Campbell said Do you know a DC PURVIS*
>
> *'Rees said Hes* [sic] *a relative of Thorne of Belmont Cars.*
>
> *'DSupt Campbell said What was your relationship with Margaret Harrison*
>
> *'He* [Jonathan Rees] *said just a casual acquaintance*

889 Witness statement of DC Clive Blake, MPS028077001, pp3-4, 07 June 1988.
890 Copies of exhibits books, MPS005800001 and MPS005801001, 16 March – 27 July 1987.
891 Copies of exhibits books, MPS005800001 and MPS005801001, 16 March – 27 July 1987.
892 Witness statement of DI Allan Jones, MPS005235001, pp1-3, 09 April 1987.

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'Det Supt Campbell said I believe it was more than that and you tried to chat her up

'Rees said I'm not denying I was attracted but that's all

'Det Supt Campbell said I can only repeat that I am trying to investigate a murder and it does appear that very few people knew that Danny Morgan would be in the public house that night. You obviously knew but there are not many others

'Rees said I didn't know whether he would be there.'[893,894]

566. D/Supt Douglas Campbell also recorded the content of this conversation in a statement on 06 April 1987.[895]

567. D/Supt Douglas Campbell should not have engaged in conversation with Jonathan Rees on the way to the police station. The Police and Criminal Evidence Act 1984, Code of Practice C, states that questions should not be put except at a police station unless delay would lead to certain stated consequences, which did not apply in this case. The effect of the exchange was to give Jonathan Rees advance warning of what he was going to be questioned about, and, more importantly, what police knew and did not know. However, both D/Supt Campbell and DI Allan Jones acted correctly in recording the conversation in the car.

568. Jonathan Rees was detained in the custody suite at Catford Police Station, where he was interviewed by D/Supt Douglas Campbell and DI Allan Jones, in the presence of his solicitor, Michael Goodridge, in four separate sessions between 2.00 pm and 11.17 pm on 03 April 1987. The interviews were not tape-recorded. Tape-recording facilities were not available in all custody suites in 1987. Interview notes were taken, first by DC Donald Leslie and later by DC Clive Blake. The interview took place in an interview room within the custody suite.[896]

569. Jonathan Rees was initially asked about carrying out security work for Belmont Car Auctions in March 1986 and which police officers he was closely associated with. He named 14 police officers and, when asked whether these police officers had been doing illegal searches for him on police computers, he said '*No*'.[897]

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893 Witness statement of DI Allan Jones, MPS005235001, pp1-3, 09 April 1987.
894 Incident Report Book by DI Jones re Rees, MPS014833001, 03 April 1987.
895 Witness statement of D/Supt Douglas Campbell MPS010913001, pp1-5, 06 April1987.
896 Record of interview of Jonathan Rees, MPS000716001, pp1-95, 03 April 1987.
897 Record of interview of Jonathan Rees, MPS000716001, p5, 03 April 1987.

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570. The interviews then focused extensively on the Belmont Car Auctions robbery and its possible connection to Daniel Morgan's murder. Among other things:

i. Jonathan Rees identified John Peacock, an employee of Southern Investigations, Glenn Vian, Garry Vian, former DCI Laurence Bucknole[898] and Daniel Morgan[899] as having carried out security duties at Belmont Car Auctions on behalf of Southern Investigations on various occasions. He said that he himself was present at every auction.[900]

> There is no confirmed evidence to corroborate Jonathan Rees's statement that Daniel Morgan worked as a security guard at Belmont Car Auctions on any occasion, although in his witness statement of 24 September 1987, John Peacock said in relation to Belmont Car Auctions, '*I think I saw Daniel MORGAN there maybe once or twice*'.[901]

ii. When questioned about whether police officers had been present at Belmont Car Auctions on the nights when Southern Investigations provided security, Jonathan Rees said that DS Sidney Fillery, DC Alan Purvis and officers from the Stolen Vehicle Squad had been there. He denied that DS Fillery and DC Purvis were there at his request. He admitted knowing DC Peter Foley when asked, and that he had been present at '*one or two*' auctions.[902]

iii. When told that DC Peter Foley had said during interview that Jonathan Rees had offered to pay him £4 an hour for his services at Belmont Car Auctions, Jonathan Rees denied paying DC Foley any money at all.[903] He denied making payments to any police officer for work at Belmont Car Auctions.[904]

iv. When asked how payments were made to the security guards who worked at Belmont Car Auctions, Jonathan Rees said that they were paid by cheque at the end of each week.[905] He was asked if these details were contained within the Southern Investigations accounting system and replied that they were.[906]

John Peacock subsequently made a statement on 07 April 1987 when he confirmed he had worked at Belmont Car Auctions as a security guard.[907] John Peacock was not asked until 24 September 1987 how he was paid by Southern Investigations for his work at Belmont Car Auctions. He replied that he was paid between £25 and £35 per night and £20 on Saturday mornings, in cash. He stated that he never saw Jonathan Rees pay anyone else.[908]

898 He was regularly known as 'Laurie'.
899 Record of interview of Jonathan Rees, MPS000716001, p8, 03 April 1987.
900 Record of interview of Jonathan Rees, MPS000716001, p7, 03 April 1987.
901 Witness statement of John Peacock, MPS010540001, p4, 24 September 1987.
902 Record of interview of Jonathan Rees, MPS000716001, pp7-9, 03 April 1987.
903 Record of interview of Jonathan Rees, MPS000716001, pp30-31, 03 April 1987.
904 Record of interview of Jonathan Rees, MPS000716001, p9, 03 April 1987.
905 Record of interview of Jonathan Rees, MPS000716001, p89, 03 April 1987.
906 Record of interview of Jonathan Rees, MPS000716001, p89, 03 April 1987.
907 Witness statement of John Peacock, MPS010533001, pp1-2, 07 April 1987.
908 Witness statement of John Peacock, MPS010540001, p4, 24 September 1987.

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v. When asked about the Belmont Car Auctions file, which Peter Newby had said Jonathan Rees had given to DS Sidney Fillery, Jonathan Rees responded that there was no such file: '*it doesn't exist, except for part of the litigation document that I maintain*'. He was told that, that day Peter Newby had been shown the file on Belmont Car Auctions which had been in Jonathan Rees's briefcase, Peter Newby had said that there was another file on the matter which was no longer on the premises of Southern Investigations. Jonathan Rees said this was '*utter and complete nonsense*'.[909]

He was also told that Peter Newby had said that the Belmont Car Auctions file was numbered 4208. Jonathan Rees said, that '*number in the booking in book would relate to the date we received the instructions, the date completed and the invoice number*'.[910] Jonathan Rees was not asked to explain further what he meant.

vi. Jonathan Rees confirmed that he knew that solicitors for Belmont Car Auctions had contacted DS Sidney Fillery, DC Alan Purvis and DC Peter Foley, but said that he did not know what their reaction to receiving the letters was. When asked whether the officers had '*expressed concern about possible disciplinary proceedings because of their involvement*', he responded saying, '[t]*he officers did not need to advise me of possible discipline proceedings as a result of this totally unfounded allegation made by Belmont Auctions. As far as I can remember all three officers have purchased vehicles through Belmont Auctions at the time of their attendance*.'[911]

vii. He said that there was no discussion about the Belmont Car Auctions case in the Golden Lion public house on the night of 09 March 1987 because '*Danny and myself believed we had found a satisfactory solution to the problem and we agreed not to discuss the matter further. As it soured the conversation.*'[912]

571. Jonathan Rees was asked about his movements on 09 March 1987 and how the meetings in the Golden Lion public house on 09 March 1987 and 10 March 1987 had been arranged:[913]

i. He was unable to remember his movements on 09 March, other than to say that he might have been with Daniel Morgan at lunchtime.[914] When it was put to him that two witnesses had said that he had gone to a meeting in Beckenham with Daniel Morgan at 5.00 pm on Monday 09 March 1987, he said he could not remember. He said he did not know what was in Beckenham. He did not believe that they would have left the office unattended at 5.00 pm.[915]

ii. He said that the meeting at the Golden Lion public house on 09 March 1987 *'was as a result of a phone call from Sid FILLERY during the day inquiring if we wanted to meet for a pint that night'*, and that he did not think he had seen DS Sidney Fillery that day before the meeting in the public house.[916]

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909 Record of interview of Jonathan Rees, MPS000716001, p78, 03 April 1987.
910 Record of interview of Jonathan Rees, MPS000716001, p79, 03 April 1987.
911 Record of interview of Jonathan Rees, MPS000716001, pp18-22, 03 April 1987.
912 Record of interview of Jonathan Rees, MPS000716001, p48, 03 April 1987.
913 Record of interview of Jonathan Rees, MPS000716001, pp43-53, 03 April 1987.
914 Record of interview of Jonathan Rees, MPS000716001, pp44-45, 03 April 1987.
915 Record of interview of Jonathan Rees, MPS000716001, p81-82 03 April 1987.
916 Record of interview of Jonathan Rees, MPS000716001, pp43-44, 03 April 1987

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iii. He said that they had agreed to meet in the Golden Lion public house, which was why Daniel Morgan had parked in the car park there.[917] When asked about why Daniel Morgan parked his car in a very dark car park at the Golden Lion public house, Jonathan Rees replied: '*I suspect he felt his car would be safer out of the way.*'[918]

iv. Jonathan Rees said that when he and Daniel Morgan arrived, DS Sidney Fillery was not there, so they went to the Dolphin public house, which was across the road from the Golden Lion public house instead, because it was possible that DS Fillery was there.[919] He said that DS Fillery then came to the Dolphin public house and brought them to the Golden Lion.[920]

v. D/Supt Douglas Campbell asked Jonathan Rees whether he agreed that '*on the night of the murder you told me that apart from the Monday and Tuesday the 9th and 10th of March, Danny hadn't been in the Golden Lion for over 2 months?*' Jonathan Rees responded: '*Yes I think that's about right*'.[921]

> This is the first occasion on which anything which was said by Jonathan Rees in the early hours of 11 March 1987 was referred to or recorded. This question indicates that the meeting on 09 March 1987 was discussed in the early hours of 11 March 1987. It also indicates that Jonathan Rees had referred to Daniel Morgan being in the Golden Lion public house two months previously. There was no note of this meeting. It is profoundly unsatisfactory that this first meeting was not recorded. It might well have enabled further questions to Jonathan Rees and others, and further investigative activity.

vi. Jonathan Rees said that Daniel Morgan had decided to go back to the Golden Lion public house on 10 March 1987 because Daniel Morgan had said '*he was attracted to a blond barmaid and secondly that Sid and his crew may have been in there*'.[922] Jonathan Rees said that Daniel Morgan had tried to buy the barmaid a drink on the previous evening, but that '*he was being obviously over charming to her*'.[923] The barmaid at the Golden Lion public house, however, had not described a man meeting Daniel Morgan's description or another man behaving in the way described by Jonathan Rees.

> The Panel's analysis of the barmaid's statements and subsequent evidence to the Inquest does not support Jonathan Rees's account of Daniel Morgan's behaviour towards her. (See Chapter 2, The Inquest.)

917 Record of interview of Jonathan Rees, MPS000716001, p47, 03 April 1987
918 Record of interview of Jonathan Rees, MPS000716001, pp57-59, 03 April 1987.
919 Record of interview of Jonathan Rees, MPS000716001, pp47-48, 03 April 1987.
920 Record of interview of Jonathan Rees, MPS000716001, p46, 03 April 1987
921 Record of interview of Jonathan Rees, MPS000716001, p51, 03 April 1987.
922 Record of interview of Jonathan Rees, MPS000716001, pp52-53, 03 April 1987.
923 Record of interview of Jonathan Rees, MPS000716001, p55, 03 April 1987.

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vii. Jonathan Rees said that the purpose of the meeting on the evening of 10 March 1987, which he said had been arranged with Paul Goodridge, had been to try to arrange a loan to cover the £10,000[924] payment into Court by Southern Investigations, which the judge hearing the Belmont Car Auctions case against Southern Investigations had ordered on 05 March 1987.[925]

viii. When asked about the fact that Paul Goodridge had denied that he had made any arrangement to meet Daniel Morgan and Jonathan Rees that night, Jonathan Rees stated that Paul Goodridge had been '*bragging*' that he had numerous very wealthy contacts who could be persuaded to lend the money. He said that both he and Daniel Morgan '*never believed for one second that he* [Paul Goodridge] *was capable of such financial arrangements*'. He said that '*Paul told Daniel that he would speak to someone that day and in my presence he enquired of Daniel as to a venue we could meet with "his man" and he was told the Golden Lion public house. As we expected neither he nor his wealthy friend attended.*'[926]

ix. Jonathan Rees was asked about a telephone call he had made to Catford Police Station at 11.07 am on 10 March 1987. When asked what it was about and who he had telephoned, he responded, '*I would imagine that it was to DS FILLERY. Whether or not I managed to speak to him I can't remember. I can't remember the reason for making that call.*'[927] Jonathan Rees was not asked about an incoming call to his car phone at 11.12 on 10 March 1987[928] and did not state who had telephoned him.

x. It was put to Jonathan Rees that the only people who could possibly have known that Daniel Morgan would be in the Golden Lion public house that night were Jonathan Rees himself, a number of police officers, Paul Goodridge and Anthony Pearce. He responded that he believed that Peter Newby also knew that they would be in the Golden Lion public house that evening.[929] (Peter Newby, in his witness statement of 23 March 1987, said that Jonathan Rees had told him on 10 March that he and Daniel Morgan had been in a public house together on 09 March with DS Sidney Fillery, and that '*We've got another meeting tonight. I don't really want to take Daniel but I've got to.*'[930] Peter Newby did not know the location for the meeting, or who was to attend.)

xi. When asked about his departure from the Golden Lion public house on 10 March 1987, and about what Daniel Morgan intended to do later that evening, he said that '*Daniel complained of chest pains and stated that he was going straight home*'.[931]

924 Record of interview of Jonathan Rees, MPS000716001, pp61-62, 03 April 1987.
925 Record of interview of Jonathan Rees, MPS000716001, p35, 03 April 1987.
926 Record of interview of Jonathan Rees, MPS000716001, pp61-63, 03 April 1987.
927 Record of interview of Jonathan Rees, MPS000716001, p73, 03 April 1987.
928 *'Printout of car phone REES'*, MPS025539001, p3, 17 March 1987.
929 Record of interview of Jonathan Rees, MPS000716001, pp59-60, 03 April 1987.
930 Witness statement of Peter Newby, MPS003890001, pp9-10, 23 March 1987.
931 Record of interview of Jonathan Rees, MPS000716001, p64, 03 April 1987.

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Jonathan Rees was not asked about the possible contradictions between his statement of 11 March 1987 that Daniel Morgan was in an ordinary and relaxed state of mind; the fact that Peter Newby had said on 30 March 1987 that Jonathan Rees had told him that just before they left the Golden Lion public house, Daniel Morgan '*went white and said he didn't feel all that well and was going home*';[932] and Jonathan Rees's assertion during interview that Daniel Morgan had complained of chest pain. This was yet another serious failing.

xii. Jonathan Rees was questioned about his movements after he left the Golden Lion public house on 10 March 1987. When asked how long it would have taken to get to his home at that time of night, he responded: '*If the traffic's clear 20 to 30 minutes. On occasions* […] *its* [sic] *taken a lot longer.*'[933] He also said that it took him nearly 25 to 30 minutes to get the Beulah Spa public house (to which he actually went) and '*if I'd travelled straight home another 5 or 10 minutes could have been added to that journey*'.[934]

xiii. Jonathan Rees was challenged about the phone calls which he had made and received on his car phone after 9.00 pm on 10 March 1987.[935] He said that at 9.04 pm he had a phone call from his wife which lasted 12 minutes. He said that he had made a statement to DI Allan Jones regarding the telephone calls which he had made on his car phone that night, and continued, '[it] *is now 3rd April some 4 weeks later and I've again been asked contents, dates details of those same telephone conversations*'.[936]

xiv. Jonathan Rees had stated that he telephoned Paul Goodridge on the way home, at 9.17 pm, and asked him to meet him at the Beulah Spa public house.[937] At interview he said, '[*w*]*hen I spoke to Paul he said that his wife had had a serious fall at work and that he wanted to meet to explain*'. He went on to say, '*I believe it was he who wanted this meet.*'[938]

Paul Goodridge had said that Jonathan Rees had spoken to Jean Wisden on the telephone and asked that Paul Goodridge meet him at the Beulah Spa public house.[939] Jean Wisden provided a statement in which she had said that Jonathan Rees had said to her '[t]*ell him to meet me at the Spa*'.[940] Paul Goodridge had denied telephoning Jonathan Rees.[941]

Despite having given Jonathan Rees opportunity to explain the circumstances of these calls, after interview there were still two incoming calls unaccounted for: at 9.04 pm and 9.21 pm.

932 Statement of Peter Newby MPS010345001, pp6-7, 30 March 1987.
933 Record of interview of Jonathan Rees, MPS000716001, pp65-66, 03 April 1987.
934 Record of interview of Jonathan Rees, MPS000716001, pp66, 03 April 1987.
935 Record of interview of Jonathan Rees, MPS000716001, pp86-87, 03 April 1987.
936 Record of interview of Jonathan Rees, MPS000716001, pp87-88, 03 April 1987.
937 Witness statement of Jonathan Rees, MPS021752001, pp7-8, 11 March 1987. Witness statement of Jonathan Rees, MPS021961001, p2, 20 March 1987.
938 Record of interview of Jonathan Rees, MPS000716001, p71-72, 03 April 1987.
939 Witness statement of Paul Goodridge, MPS038207001, p4, 12 March 1987.
940 Witness statement of Jean Wisden, MPS021944001, p3, 25 March 1987.
941 Witness statement of Paul Goodridge, MPS026841001, p2, 25 March 1987.

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Jonathan Rees was questioned on this further but provided no more information.

572. Jonathan Rees was questioned during his interviews about his relationship with Margaret Harrison:

i. He described it as *'purely a business* [relationship] *and friendship'*.[942]

ii. He denied having telephoned her at home, saying that as far as he knew, he did not have her home telephone number: '*I'm absolutely certain that I do not recall phoning Mrs Harrison at home.*' He also denied having '*any relationship of an extra-marital kind*' with her.[943]

iii. When told that Margaret Harrison had said that he had had a 35-minute telephone call with her, he responded that '[o]*n several occasions when Daniel's been in my vehicle he has phoned Margaret Harrison*'.[944]

iv. When questioned about Margaret Harrison's assertions that he had telephoned her, Jonathan Rees responded: '*I would suspect that any mistake she's made is genuine*.'[945]

573. There are many inconsistencies between the evidence given by Jonathan Rees and others. When presented with conflicting evidence, Jonathan Rees disputed it. Towards the end of the interview, it was put to him that there was a list of ten people whom he had called '*a liar*' during his interviews, including Paul Goodridge, Margaret Harrison, Michael Thorne of Belmont Car Auctions, Iris Morgan, his wife Sharon Rees, the staff in the Beulah Spa public house, Peter Newby and Bryan Madagan (with whom both Daniel Morgan and Jonathan Rees had previously worked). Jonathan Rees's response was to question the Morgan One Investigation's '*inept interpretation of people's statements*'.[946] Jonathan Rees also said that '*from the 1st night of Daniel's death I've been interviewed on 4 occasions by D/I JONES. Only on 1 occasion, 10 days after the event, did he bother to write down in statement form anything I told him.*' He said that he, his colleagues, friends and family had all done their best to assist the police.[947]

574. Finally, Jonathan Rees was asked by D/Supt Douglas Campbell, '*have you any information no matter how trivial that you can supply to me that might be relevant to Daniel Morgan's death?*' Jonathan Rees responded that he was not happy with Daniel Morgan's '*connection with Malta and David Bray*', and that he was willing to discuss this '*informally*'.[948]

575. A further interview of Jonathan Rees took place between 10.55 am and 12 noon on 04 April 1987. D/Supt Douglas Campbell recorded in 1991 that, at Jonathan Rees's request, no solicitor was present, and no interview notes were taken. DI Allan Jones had attended all the interviews following Jonathan Rees's arrest on 03 April 1987 but did not attend this meeting. Daniel Morgan's connection with Malta and David Bray were discussed.[949] David Bray had accompanied Daniel Morgan on a trip to Malta in February 1987 to recover a stolen vehicle.

942 Record of interview of Jonathan Rees, MPS000716001, pp73-74, 03 April 1987.
943 Record of interview of Jonathan Rees, MPS000716001, p74, 03 April 1987.
944 Record of interview of Jonathan Rees, MPS000716001, pp83-84, 03 April 1987.
945 Record of interview of Jonathan Rees, MPS000716001, p84, 03 April 1987.
946 Record of interview of Jonathan Rees, MPS000716001, p85, 03 April 1987.
947 Record of interview of Jonathan Rees, MPS000716001, p88, 03 April 1987.
948 Record of interview of Jonathan Rees, MPS000716001, p94, 03 April 1987.
949 Witness statement of D/Supt Douglas Campbell, MPS037223001, p9, 05 February 1991 (unsigned). This witness statement would appear to have been a draft statement prepared for the civil proceedings being instituted by DCs Alan Purvis and Peter Foley against the Metropolitan Police. An apparently amended version of the witness statement can be found at MPS036006001 of 17 July 1991, which is signed, but does not contain reference to the non-recorded interview of Jonathan Rees on 04 April 1987.

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The issue of the possible relevance of Daniel Morgan's trip to Malta had already emerged as a separate and potentially important line of enquiry for the Morgan One Investigation (see Section 7.1 for more information).

576. Jonathan Rees, unaccompanied by his solicitor, spent over an hour with D/Supt Douglas Campbell during this meeting on 04 April 1987. There is no explanation for the absence of any note of this meeting. The fact that Jonathan Rees asked that no note be taken is not relevant. A note should have been drafted after the meeting in accordance with basic police practice. If the information was sensitive, then it should have been inserted on the appropriate intelligence form and submitted. Information acquired during such meetings very often does not make sense until it is considered in the context of other information which has become available or which subsequently becomes available. This makes the failure to make any note of any kind about what was said even more inexplicable and regrettable.

577. Jonathan Rees was asked whether he or Glenn and Garry Vian had any involvement in the murder of Daniel Morgan. He replied no and said that '*I categorically and emphatically deny any connection with Daniel's death*'.[950] He was released without charge at 12.40 pm on 04 April 1987.[951]

578. The following issues were not raised with Jonathan Rees during his interviews:

i. Why he had said that he spent two-and-a-half to three hours in the Golden Lion public house on 09 March 1987, whereas according to the evidence available from the members of the Catford Crime Squad, they had only been there for about 45 minutes having come from the Dolphin public house across the road.

ii. Where Jonathan Rees was between leaving Southern Investigations and arriving at the Golden Lion public house on the evening of 10 March 1987.

iii. What he knew about where Daniel Morgan was during the hour and a half before their meeting at 7.30 pm on 10 March 1987, and why he had said that he did not know where Daniel Morgan had gone,[952] when, according to Michael Goodridge's account, Jonathan Rees had told Michael Goodridge that Daniel Morgan was with Margaret Harrison.[953]

iv. Why he said that Paul Goodridge was incapable of securing access to £10,000, and what he meant when he had said that the problem of how to meet the Court's demand for £10,000 had been solved.[954]

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950 Record of interview of Jonathan Rees, MPS000716001, p93, 03 April 1987.
951 Custody Record for William Jonathan Rees, MPS014837001, p14 and 17, 03 April 1987.
952 Witness statement of Jonathan Rees, MPS021752001, p6, 11 March 1987.
953 Witness statement of Michael Goodridge, MPS010250001, p3, 14 March 1987.
954 Record of interview of Jonathan Rees, MPS000716001, p48, 03 April 1987.

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v. What the overall financial position of Southern Investigations was at the time of the murder, although he was questioned about how Daniel Morgan and he had planned to raise the £10,000 required for the civil court proceedings.[955] He did not provide any response other than that they were looking for a loan.

vi. Whether he had left his seat in the Golden Lion public house and returned to it wearing his raincoat and gloves, as a witness had alleged, and if so where had he retrieved these items from, before his departure on 10 March 1987 at around 9.00 pm.[956]

vii. How he accounted for the apparent discrepancies between his statement that Daniel Morgan was '*in an ordinary and relaxed state of mind*'[957] and his subsequent statement of Daniel Morgan having '*complained of the chest pains he had now obviously decided to go home*'.[958]

viii. To clarify the exact route he took towards the Beulah Spa public house and subsequently to his home on the night of the murder.

ix. About any conversation he may have had with his wife when he arrived home on the night of the murder, and why his wife showed no reaction when told of Daniel Morgan's murder.[959]

x. Where he had been prior to his return to his house at 6.45 am on 03 April 1987.

xi. Whether he had ever purchased an axe similar to the one used in Daniel Morgan's murder, or whether he had ever handled such an axe with Elastoplast on the handle.

579. No documents indicating the extent and nature of preparation for the interview of Jonathan Rees are to be found among the papers available to the Panel. While the practice of preparing an interview strategy and a written interview plan before an interview was not common at the time, the Panel believes the interviews of Jonathan Rees and the other persons questioned in connection with Daniel Morgan's murder would have benefitted from such an approach. Interviewing suspects is an important and complex task that benefits from careful preparation, especially when, as in this case, there is more than one suspect and interviews are taking place at different police stations.

955 Record of interview of Jonathan Rees, MPS000716001, pp37-38, 03 April 1987.
956 Refers to the evidence in the witness statement of Person T4, MPS010238001, pp4-5, 12 March 1987. It was believed that Person T4 had seen Jonathan Rees and Daniel Morgan sitting near him in the Golden Lion on 10 March 1987 from the descriptions that he gave. Person T4 saw the man believed by the Morgan One investigation to be Jonathan Rees, *'put on a white mackintosh and black gloves'* shortly before he left the Golden Lion.
957 Witness statement of Jonathan Rees, MPS021752001, p7, 11 March 1987.
958 Record of interview of Jonathan Rees, MPS000716001, p65, 03 April 1987.
959 Witness statement of DC Kinley Davies, MPS038139001, pp1-2, 03 May 1991 and witness statement of DCI Allan Jones, MPS037218001, p3, 10 July 1995.

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580. The interview of Jonathan Rees was disjointed, poorly structured, poorly planned and ineffective. The record demonstrates that little prior thought or planning had gone into it. To the extent that there was a focus, it was largely on the issue of the robbery at Belmont Car Auctions and the question of police officers subsequently 'moonlighting' as security guards there. It was not put to him for several hours that he was one of only a small number of people who knew that Daniel Morgan would be in the Golden Lion public house that night. He was not asked whether he had any involvement in the murder until the very end of the interview, after 10.00 pm. Although there is evidence of some cross-checking of answers given by the six individuals arrested during the period of the arrests, the lack of challenge in the case of Jonathan Rees in the areas referred to in this section indicates little formal development of a strategy for and during the interviews.

The police did not examine Jonathan Rees's car for fibres or other material when he was arrested on 03 April 1987. This was significant and meant that the opportunity to retrieve evidence which might have been in the car was irretrievably lost. His car which he had been driving on the night of the murder, should have been fully forensically examined after his arrest for murder.

5.4.2 The arrest and interview of DS Sidney Fillery

581. DS Sidney Fillery was 40 years old at the time of Daniel Morgan's murder. He had joined the Metropolitan Police on 31 May 1965, had undertaken his Criminal Investigation Department (CID) training from 29 January 1973, became a Detective Constable on 26 August 1975, and a Detective Sergeant in June or July 1978. He had been based in nine police stations during his career, joining the Criminal Investigation Department (CID) in Catford on 26 March 1984.[960] DS Fillery was in charge of Catford Crime Squad.[961] As stated above, he and the Catford Crime Squad had concluded their work on another murder investigation on 09 March 1987, the day before Daniel Morgan's murder.

582. DS Sidney Fillery was a close friend of Jonathan Rees, having known him for between four and five years.[962] He had only worked on the Morgan One Investigation into Daniel Morgan's murder for five days before being removed from the investigation and returned to normal duties at Catford Police Station by D/Supt Douglas Campbell, who became concerned about his close friendship with Jonathan Rees. He became implicated in the murder through his suspected involvement in providing security for Southern Investigations at Belmont Car Auctions (see Section 4.16 above).

583. DS Sidney Fillery was arrested, on suspicion of the murder of Daniel Morgan, at his home by D/Supt David Parkinson at 6.40 am on 03 April 1987 and taken to the custody suite at Belvedere Police Station, arriving at 08.55 am.[963] His home was searched. No items were seized.[964] DS Fillery's desk at Catford Police Station was also searched. Nine pocket books, some correspondence, two envelopes containing photographs, a knife, three diaries, a cheque

960 Personal File of DS Sidney Fillery, MPS107568001, p9, undated.
961 Schedule of Officers on Catford Crime Squad 1987, MPS020654001, undated.
962 *'Notes of Sid FILLERY's relationship with REES,'* MPS011583001, p2, undated.
963 Custody record for DS Sidney Fillery, MPS014836001, p9, 03 April 1987.
964 Premises Searched Record for DS Sidney Fillery, MPS014840001, 03 April 1987.

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book and cheques were seized.[965] The police documentation was returned.[966] The cheque book and cheques were recorded as '*restored to bank*'.[967] The remainder of the items were retained by the police. There is no evidence that the knife was examined forensically to see whether there was any link between it and the scoring on the axe used to murder Daniel Morgan.

584. DS Sidney Fillery was interviewed twice between 2.16 pm and 10.21 pm on the day of his arrest, by D/Supt David Parkinson and a Detective Sergeant. A solicitor was present at both interviews. The interviews took place in a Detective Inspector's office, rather than an interview room.[968,969]

585. DS Sidney Fillery, like Jonathan Rees, was asked how the meeting in the Golden Lion public house on 09 March 1987 was arranged. DS Fillery gave a completely different account from that given by Jonathan Rees. He explained in interview the following:

i. He had met Jonathan Rees and Daniel Morgan in their cars on Sydenham Road on 09 March. He spoke to Jonathan Rees and '*it was agreed that if I was free I would meet him for a pint*'.[970]

ii. He was '*not sure if at that stage he* [Jonathan Rees] *mentioned which pub*' during their meeting at Sydenham Road.[971]

iii. He '*eventually finished work at about 9 o'clock, 9.15 maybe, later',* continuing that:

'*during the sort of debriefing in the office, some of the Crime Squad mentioned seeing Reece's* [sic] *car outside the Golden Lion. Several of us decided we would go for a pint and in the office we agreed the Red Lion. I got there first I think. I mean the Golden Lion....*'[972]

iv. When he arrived at the Golden Lion public house, he found that Jonathan Rees was not there, so, having seen Jonathan Rees's car parked outside the Dolphin public house opposite, he ran across the road to it and found Daniel Morgan and Jonathan Rees, and told them '*a number of my troops were meeting me in the Golden Lion*'.[973] He said that Daniel Morgan and Jonathan Rees joined them shortly after this and that he remained in the Golden Lion public house until about 10.00 pm.[974]

v. In his second interview, DS Sidney Fillery was asked about the conflict between his account that he had met and spoken to Jonathan Rees on Sydenham Road that afternoon, and Jonathan Rees's evidence that no such meeting occurred.[975] He was asked whether he was '*sure that the arrangements were not made by telephone?*' DS Fillery reiterated that there had been a meeting. He was told that his story was not confirmed by a Crime Squad officer who had been spoken to. He expressed surprise. His final response on this issue was: '*Well REECE* [sic] *is wrong that incident occurred*

965 List of exhibits recovered from DS Sidney Fillery's desk at Catford Police Station, MPS011614001, p48, 03 April 1987.
966 List of exhibits recovered from DS Sidney Fillery's desk at Catford Police Station, MPS011614001, p48,03 April 1987.
967 List of exhibits recovered from DS Sidney Fillery's desk at Catford Police Station, MPS011614001, p48,03 April 1987.
968 Interview of DS Sidney Fillery, MPS000717001, 03 April 1987. Witness statement of D/Supt David Parkinson, MPS015754001, 06 April 1987 (unsigned).
969 Interview of DS Sidney Fillery, MPS000718001, 03 April 1987.
970 Interview of DS Sidney Fillery, MPS000717001, pp6-7, 03 April 1987.
971 Interview of DS Sidney Fillery, MPS000717001, p7, 03 April 1987.
972 Interview of DS Sidney Fillery, MPS000717001 pp7-8, 03 April 1987.
973 Interview of DS Sidney Fillery, MPS000717001, p8, 03 April 1987.
974 Witness statement of DS Sidney Fillery, MPS010349001, pp3-4, 14 March 1987.
975 Interview of DS Sidney Fillery, MPS000718001, pp11-14, 03 April 1987.

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there were several police witnesses to it. It might well be Reece [sic] *is confused but I'm sure someone will remember me rushing across the road and speaking to them*.'[976] In November 2020, Jonathan Rees said for the first time that this had occurred.

vi. DS Sidney Fillery had previously provided a statement in which he had said that Daniel Morgan '*had been drinking quite heavily* [...] *He was loud* [...] *he was ebullient* [...] *because of MORGAN's somewhat abusive manner, the other Police Officers left the Pub* [...] *I was the last to leave at about 10.00pm*.'[977] During his interview, DS Sidney Fillery recounted the conversation between him and Daniel Morgan that evening of 09 March 1987, concluding '[h]*e and I had quite a heated discussion*[...] *but it all ended amically* [sic]'. He said that he had left at about 10.20 pm, having been there about an hour.[978]

vii. He had no memory of Jonathan Rees and Daniel Morgan arranging to meet again in the Golden Lion public house the next day.[979] He could not remember the Belmont Car Auctions civil action being discussed.[980]

viii. He had used the Golden Lion public house previously and had met both Jonathan Rees and Daniel Morgan there, but not regularly.[981]

586. In a statement given two years after the murder to the Hampshire/Police Complaints Authority Investigation, former DS Sidney Fillery emphasised that he had not suggested a meeting at the Golden Lion public house on 09 March 1987. He said: '*What I am clear about is that REES and MORGAN were going for a pint that evening and that they were going to the Golden Lion or the Dolphin. It was John REES who told me they were going to the Golden Lion or Dolphin. It had to come from REES because I did not know what I would be doing later in the evening*.'[982]

587. DS Sidney Fillery gave a completely different account of why he met with Daniel Morgan and Jonathan Rees in the Golden Lion public house on 09 March 1987, from that given by Jonathan Rees at the time. DS Fillery claimed Jonathan Rees and Daniel Morgan had pulled into the side of the road as he was dealing with an incident and that DS Fillery had spoken to Jonathan Rees and arranged to meet later that day. Jonathan Rees denied that there was any meeting on the road during the late afternoon of 09 March 1987 at which the later meeting, at the Golden Lion public house, was planned. This apparent inconsistency should have been explored further at the time. In 2020, however, Jonathan Rees said this meeting had taken place.

976 Interview of DS Sidney Fillery, MPS000718001, pp13-14, 03 April 1987.
977 Witness statement of DS Sidney Fillery, MPS015655001, pp3-4, 14 March 1989.
978 Interview of DS Sidney Fillery, MPS000717001, p14, 03 April 1987.
979 Interview of DS Sidney Fillery, MPS000717001, pp59-60, 03 April 1987.
980 Interview of DS Sidney Fillery, MPS000717001, pp46-47, 03 April 1987.
981 Interview of DS Sidney Fillery, MPS000717001, p60, 03 April 1987.
982 Statement of former DS Sidney Fillery, MPS010359001, p2, 23 March 1989.

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588. DS Sidney Fillery was also asked about a telephone call between him and Jonathan Rees at 11.00 am on 10 March 1987. DS Fillery said that during the conversation:

i. he had '*moaned about Daniel's argument the night before*'.[983] (DS Fillery had previously said that Daniel Morgan had been argumentative on 09 March when in the Golden Lion public house with Jonathan Rees and a number of police officers.);

ii. he had been in the Criminal Investigation Department (CID) office when he had spoken to Jonathan Rees but was not sure who had made the telephone call, and could not remember any reason for the call;[984] and

iii. he had not reported the call to anybody because '*it wasn't an important phone call and I still don't think it was important in all honesty*'.[985]

589. It was put to DS Sidney Fillery that it '*seems strange that you should take them into that public house that day and the following day one of them is killed in the car park*'. He was asked whether he had arranged to meet them the next night. He said '*I don't think is* [sic] *strange it's tragic*', and that he had not arranged to meet them there the following day.[986]

590. It was also put to DS Sidney Fillery that '[t]*he only person allegedly who knew he would be there was REECE* [sic] *I think you and REECE* [sic] *concocted this to get him there, the unsolicited* [sic] *for no apparent purpose that morning was to confirm the arrangements. You were party to it in that arranged* [sic] *the meet* […] *You arrange* [sic] *the meet with MORGAN.*' DS Fillery stated that there was '*no grain of truth*' to the allegation that the telephone call was to confirm the arrangements for a meeting later on that day between Daniel Morgan and Jonathan Rees. He said that the phone call had no purpose and they just talked about how Daniel Morgan had been behaving the night before.[987]

591. DS Sidney Fillery was questioned about the fact that he had gone with PC Stephen Thorogood to conduct a search on the morning of 11 March 1987 at Southern Investigations. He said the following, among other things:

i. He thought that PC Thorogood had placed the documents seized from Daniel Morgan's desk into a plastic bag and had carried them '*up the stairs at Catford*'.[988]

ii. Everything in the bag had been itemised, as recorded in Jonathan Rees's statement.[989]

iii. The only thing he seized was a file which he had been given by Peter Newby, and which related to the '*large sum of money found on Daniel MORGAN*'.[990]

iv. He had never had possession of the Belmont Car Auctions file, and to have tried to destroy it would have been futile as there would have been countless copies of it.[991]

983 Interview of DS Sidney Fillery, MPS000717001, pp19-28, 03 April 1987
984 Interview of DS Sidney Fillery, MPS000717001, pp19-28, 03 April 1987.
985 Interview of DS Sidney Fillery, MPS000717001, p23, 03 April 1987.
986 Interview of DS Sidney Fillery, MPS000717001, pp60-61, 03 April 1987.
987 Interview of DS Sidney Fillery, MPS000717001, pp62-64, 03 April 1987.
988 Interview of DS Sidney Fillery, MPS000717001, pp55-56, 03 April 1987.
989 Interview of DS Sidney Fillery, MPS000717001, pp56, 03 April 1987.
990 Interview of DS Sidney Fillery, MPS000717001, pp56-57, 03 April 1987.
991 Interview of DS Sidney Fillery, MPS000717001, pp55-56, 03 April 1987.

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v. He was also asked about a missing file relating to one of Daniel Morgan's matrimonial cases and responded that everything which had been handed to him was listed on Jonathan Rees's statement.[992]

592. DS Sidney Fillery was questioned about his knowledge of Daniel Morgan and Jonathan Rees, and the statement he had recorded from Jonathan Rees on 11 March 1987. Among other things:

i. He was asked '[w]*hen you took a statement from Reece* [sic] *on the 11th March* […] *you covered his movements on Monday 9th March. As an experienced investigator you realise the necessity of eliciting as much information as possible. Can you tell me why you have glossed over their movements on that day?*' He responded that Jonathan Rees was not a suspect and that he had told both DS Malcolm Davidson (the Office Manager) and DI Allan Jones that he was friendly with Jonathan Rees. DI Jones had told him to take the statement. It was handed in that day. He said that he could easily have been asked to take another statement during the period he was on the investigation, but this did not happen.[993]

ii. He was asked about the fact that Jonathan Rees had said in his statement that he and Daniel Morgan had been in the Golden Lion public house from 7.30 pm until 10.00 pm. DS Fillery had known this was not consistent with his own statement in which he had said that he had gone to the Dolphin public house to tell Daniel Morgan and Jonathan Rees that he and the other police officers were in the Golden Lion.[994] He responded that he did not notice the inaccuracy when he took the statement.

iii. He was accused of omitting detail in the statement: in particular, not including the meeting he claimed to have had with Jonathan Rees and Daniel Morgan on 09 March 1987 on Sydenham Road, at which there was an agreement to go for a drink that same evening.[995]

593. DS Sidney Fillery was questioned about the Belmont Car Auctions case. Among other things:

i. DS Fillery confirmed that he had introduced Michael Thorne to '*Morgan Reece* [sic] *& Co*', that Jonathan Rees had provided security cover for Belmont Car Auctions for some weeks, and that he had been '*robbed when taking cash to a night safe*'.[996]

ii. DS Fillery said that he had attended the auctions '*on a couple of occasions but more as friend of Thorne than anything else*'.[997] He had never been paid for attending.[998] He confirmed that DC Alan Purvis and DC Peter Foley had also been there.[999] He could not confirm whether he or they had been there on the night on which Jonathan Rees was robbed.[1000]

992 Interview of DS Sidney Fillery, MPS000717001, pp58, 03 April 1987.
993 Interview of DS Sidney Fillery, MPS000717001, pp28-32, 03 April 1987.
994 Interview of DS Sidney Fillery, MPS000717001, pp31-33, 03 April 1987.
995 Interview of DS Sidney Fillery, MPS000717001, pp28-31, 03 April 1987.
996 Interview of DS Sidney Fillery, MPS000717001, pp33-38, 03 April 1987.
997 Interview of DS Sidney Fillery, MPS000717001, pp38-39, 03 April 1987.
998 Interview of DS Sidney Fillery, MPS000717001, p41, 03 April 1987.
999 Interview of DS Sidney Fillery, MPS000717001, p39, 03 April 1987.
1000 Interview of DS Sidney Fillery, MPS000717001, p39, 03 April 1987.

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iii. DS Fillery said that he had not been on duty when he went to Belmont Car Auctions, and that he went because he '*was hoping for some reward all be it* [sic] *a cheap car or something in fact I bought my car from Michael THORNE the one I have got now*'. He had bought his car before the robbery, had been assured by Michael Thorne that it was a good price, and Michael Thorne '*got some gipsy type to give me £300 for my car which was a wreck*'.

iv. DS Fillery said that he was not involved in the civil action by Belmont Car Auctions, although he had received a letter from the solicitors acting for Belmont Car Auctions asking him for an affidavit.[1001] He said that DC Alan Purvis had spoken to Michael Thorne to explain to him that the police officers were not acting as '*security officers*' at Belmont Car Auctions.[1002]

v. He also explained that he understood that Jonathan Rees and Daniel Morgan wanted to settle the action.[1003] His response to further questioning was: '*As far as I was concerned my part in it was dead. It wasn't that important to me.*'[1004] D/Supt David Parkinson responded to DS Fillery: '*There was a danger that you on a contested matter could be called as a witness. You had already received one communication from the solicitors as had FOLEY and PURVIS and that had indicated you might be called. If you were called it would put you in an extremely difficult position wouldn't it*?' DS Fillery responded: '*I had been assured by Thorne that we wouldn't be called. I know that Morgan and Reece* [sic] *would never had* [sic] *called me* [...] *I didn't consider there was any danger of me being called but I agree with you when you say it would have caused difficulties, of course.*'[1005]

vi. DS Sidney Fillery was asked about any discussions he had with Jonathan Rees about the Belmont Car Auctions issue. He explained that Jonathan Rees, Daniel Morgan and he had met on 05 or 06 March 1987 after the preliminary hearing at the Royal Courts of Justice regarding Southern Investigations' defence in the civil action brought against them by Belmont Car Auctions.[1006,1007] DS Fillery said of this occasion, '*I remember the conversation in a pub,*[1008] *they were full of it, I met them for a pint that's all*'.[1009]

vii. It was put to DS Sidney Fillery that Daniel Morgan '*intended to contest the action, you were going to be called as a witness which would put your future in serious jeopardy and you set him up with a phoney meet*'. DS Fillery responded '*I wouldn't be capable of doing that. I could never condone a man dying in that way.*'[1010] D/Supt David Parkinson later challenged DS Fillery again: '*I am not alleging you intended to keep the meet I am saying you tricked MORGAN into going to the Golden Lion expecting to meet you whilst you were in fact at home, you and REECE* [sic] *had*

1001 Interview of DS Sidney Fillery, MPS000717001, p43, 03 April 1987.
1002 Interview of DS Sidney Fillery, MPS000718001, pp5-6, 03 April 1987.
1003 Interview of DS Sidney Fillery, MPS000717001, pp43-44, 03 April 1987.
1004 Interview of DS Sidney Fillery, MPS000717001, pp50-51, 03 April 1987.
1005 Interview of DS Sidney Fillery, MPS000717001, pp51-52, 03 April 1987.
1006 Interview of DS Sidney Fillery, MPS000717001, pp47-48, 03 April 1987.
1007 The hearing was on 5 March 1987- Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS015359001, p11, 22 January 1988.
1008 The name of the 'pub' was not specified but in his report D/Supt Douglas Campbell stated it was the Dolphin public house, MPS015359001, p11, 22 January 1988.
1009 Interview of DS Sidney Fillery, MPS000717001, p49, 03 April 1987.
1010 Interview of DS Sidney Fillery, MPS000717001, pp61-62, 03 April 1987.

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arranged for someone when he left to kill him.' DS Fillery denied this, saying '[t]*hat is entirely not true, why would MORGAN want to meet me 2 days running for a specific appointment*'.[1011]

594. DS Sidney Fillery was asked about his movements on the evening of 10 March 1987. He said that he finished work at 5.30 pm.[1012] He had been told on the morning of 10 March 1987 that Catford Crime Squad was no longer required to assist the investigation in which it had been involved, and his intention that night was to go home. He said that he went home and stayed there.[1013] His son and a friend were already there, and his wife returned home a short time later. He said that around 9.00 pm he told his son's friend that he should be heading home. He retired to bed around 10.30 pm.[1014]

595. DS Sidney Fillery's duty sheets recorded his finishing time of 5.30 pm on 10 March 1987[1015] but his alibi for the evening was not checked by the Morgan One Investigation. In 1989, it was corroborated during the Hampshire/Police Complaints Authority Investigation by DS Fillery's wife[1016] and, to a much vaguer extent, his son.[1017]

596. The Morgan One Investigation, having arrested DS Sidney Fillery in connection with the murder of Daniel Morgan, should have checked his alibi. The failure to do so was a serious omission.

597. DS Sidney Fillery was asked when he had last met DC Alan Purvis and DC Peter Foley before the murder. He explained:

i. That he had met DC Foley a year before at a Freemasons meeting. However, he also said that DC Foley was not a Freemason.[1018]

ii. He met DC Purvis '*very regularly*' and that although he could not remember, he thought that he would have possibly discussed the '*developments regarding the civil action*'.[1019]

598. DS Sidney Fillery was also asked whether he had met DC Alan Purvis or DC Peter Foley since the murder. He responded that he thought he had met DC Purvis a couple of times: once on the Saturday after the murder in the Crown public house at Bromley Common when he had been told to take Jonathan Rees for a drink. He had telephoned DC Purvis, and DC Purvis said he would '*have one on the way to work*'. DS Fillery said that they discussed the murder: Jonathan Rees was not a suspect at that point and both he and DC Purvis knew Daniel Morgan so '*it was natural to discuss that*'. He said that the last occasion he had seen DC Purvis '*was on Tuesday [...] with John REECE* [sic] *and I met him at Plumstead*'.[1020] This was also corroborated by DC Purvis (see paragraph 610 below).

1011 Interview of DS Sidney Fillery, MPS000717001, p66, 03 April 1987.
1012 Interview of DS Sidney Fillery, MPS000718001, p1, 03 April 1987.
1013 Interviews of DS Sidney Fillery, MPS000717001, pp65-66, 03 April 1987 and MPS000718001, pp1-2, 03 April 1987.
1014 Interview of DS Sidney Fillery, MPS000718001, pp1-2, 03 April 1987.
1015 Duty sheet of DS Sidney Fillery, MPS015408001, p2, 10 March 1987.
1016 Witness statement of DS Fillery's wife, MPS011013001, 09 February 1989.
1017 Witness statement, MPS011057001, 26 April 1989.
1018 Interview of DS Sidney Fillery, MPS000718001, pp15-16, 03 April 1987.
1019 Interview of DS Sidney Fillery, MPS000718001, pp15-16, 03 April 1987.
1020 Interview of DS Sidney Fillery, MPS000718001, pp2-3, 03 April 1987.

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599. DS Sidney Fillery was asked no further questions about this matter. DS Fillery repeatedly denied any involvement in the murder of Daniel Morgan.[1021,1022]

600. DS Sidney Fillery was released on 03 April 1987 at 11.15 pm without charge.[1023]

601. On 08 September 1987, DS Sidney Fillery went on sick leave. He remained on sick leave until he received a medical discharge from the Metropolitan Police on 20 March 1988.[1024]

602. On 03 February 1988, DS Sidney Fillery agreed to speak to the police again. He stated that he was receiving psychiatric treatment and that he had been advised not to answer any questions. In the police interview[1025] he did not answer any questions, including questions in relation to Jonathan Rees's claims that he had an arrangement to meet DS Fillery at the Golden Lion public house on 10 March 1987, and that the location for the meeting on 10 March 1987 had been chosen by Daniel Morgan because he (Daniel Morgan) thought that DS Fillery would be there.[1026]

5.4.3 The arrest and interview of DC Alan Purvis

603. In March 1987, DC Alan Purvis was attached to Plumstead Police Station. He had previously worked in the Catford Crime Squad with DS Sidney Fillery for about 18 months. He left Catford Crime Squad in August 1986.[1027] He was 35 years old at the time of Daniel Morgan's murder.

604. DC Alan Purvis was arrested on suspicion of the murder of Daniel Morgan on 03 April 1987,[1028] having been implicated in the murder through his suspected involvement in providing security for Southern Investigations at Belmont Car Auctions, and the related civil court proceedings. He was a cousin of Michael Thorne of Belmont Car Auctions. Through DS Sidney Fillery, who had already met Michael Thorne *'socially',* he had introduced Michael Thorne to Jonathan Rees, following the first robbery at Belmont Car Auctions in 1986.[1029,1030]

605. DC Alan Purvis was arrested at his home by D/Supt William Hatfull at 6.45 am on 03 April 1987 and taken to the custody suite at Orpington Police Station.[1031] D/Supt William Hatfull stated that DC Purvis had responded after arrest and caution: '*My conscience is clear. I have got absolutely nothing to worry about.*' His home was searched and a folder containing correspondence concerning the Belmont Car Auctions civil case was seized.[1032]

606. He was interviewed in the Chief Superintendent's office, rather than an interview room. There is no indication in the custody record completed for DC Alan Purvis that an office had been utilised for his interviews because no other facilities were available.[1033] There is no explanation in the papers available as to why an interview room was not used, given that DC Purvis had been arrested for murder.

1021 Interview of DS Sidney Fillery, MPS000717001, pp61-68, 03 April 1987.
1022 Interview of DS Sidney Fillery, MPS000718001, pp17-18, 03 April 1987.
1023 Custody Record for DS Sidney Fillery, MPS014836001, p5, 03 April 1987.
1024 Sickness records DS Sidney Fillery, MPS005107001, p5, 10 November 1988.
1025 Interview of DS Sidney Fillery, MPS081797001, pp3-41, 03 February 1988.
1026 Interview of Jonathan Rees, MPS026827001, pp51-53, 03 April 1987.
1027 Interview of DC Alan Purvis, MPS020644001, pp2-4, 03 April 1987.
1028 Custody record of DC Alan Purvis, MPS014834001, p2, 03 April 1987
1029 Interview of DC Alan Purvis, MPS020644001, pp5-9, 03 April 1987.
1030 Interview of DS Sidney Fillery, MPS000717001, p34, 03 April 1987.
1031 Custody record of DC Alan Purvis, MPS014834001, p2, 03 April 1987.
1032 Witness statement of D/Supt William Hatfull, MPS017010001, 09 April 1987.
1033 Custody record of DC Alan Purvis, MPS014834001, p3, 03 April 1987.

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607. He was interviewed by D/Supt William Hatfull and DS John Welch between 11.45 am and 7.05 pm. His solicitor was present. A written note was made of his interview.[1034]

608. DC Alan Purvis was questioned about his knowledge of Jonathan Rees and Daniel Morgan, the provision of security at Belmont Car Auctions, the robbery of Jonathan Rees, and the Belmont Car Auctions civil action. Among other things, DC Purvis:

i. Stated that he knew Jonathan Rees and said that he had met Daniel Morgan on one occasion, when he was introduced to him by Jonathan Rees in the Dolphin public house.[1035]

ii. Admitted that, despite being on duty, he had not recorded his attendance at the meeting between his cousin, Michael Thorne of Belmont Car Auctions, and DS Sidney Fillery and Jonathan Rees on 03 March 1986, nor had he noted the fact that he had entered licensed premises (as he was obliged by Metropolitan Police rules to do). There was therefore no record that he had attended the meeting. When questioned about this he said that there was nothing sinister about his failure to record what happened that afternoon.[1036]

iii. Denied having worked at Belmont Car Auctions, or being paid to work there.[1037] He said that he had attended at Belmont Car Auctions to assist his cousin, and had recorded 07, 11 and 18 March 1986 as the dates on which he had attended. He also said that he had known that DS Sidney Fillery and DC Peter Foley wanted to buy cars and that they had been there on some of the dates on which he was present.[1038]

iv. Acknowledged that he had been contacted by Belmont Car Auctions lawyers as a potential witness after the robbery on 18 March 1986.[1039] He had not informed his senior officers about the letters which he had received because '*this was a family dispute which, because of these letters, had caused a rift between my mother and my uncle, Michael's* [Thorne] *father.*' He also said that he had probably discussed the letters with DS Sidney Fillery and DC Peter Foley.[1040]

v. Was asked whether he had supplied the addresses of Daniel Morgan, Jonathan Rees, Glenn Vian and Garry Vian to Michael Thorne's solicitor, together with information about Glenn Vian's criminal record. He initially denied it. He was then handed a copy of a handwritten document containing the home addresses of Jonathan Rees, Daniel Morgan, Garry Vian and Glenn Vian and also a reference to Glenn Vian's criminal record.[1041] It was put to DC Alan Purvis that this document contained information for which the solicitors had asked. He agreed that he had provided the information, '*but not any convictions*'. He denied checking police records to get this information and said that he thought that information about the Vian brothers had been given by Jonathan Rees to DS Sidney Fillery. He said he had provided this information to assist his cousin.[1042]

1034 The original handwritten contemporaneous notes were not available to be viewed by the Panel. A typed copy of the interview of DC Alan Purvis is MPS020644001, 03 April 1987.
1035 Interview of DC Alan Purvis, MPS020644001, pp9-12, 03 April 1987.
1036 Interview of DC Alan Purvis, MPS020644001, pp16-18, 03 April 1987.
1037 Interview of DC Alan Purvis, MPS020644001, p20, 03 April 1987.
1038 Interview of DC Alan Purvis, MPS020644001, pp21-25, 03 April 1987.
1039 Interview of DC Alan Purvis, MPS020644001, pp30-32, 03 April 1987.
1040 Interview of DC Alan Purvis, MPS020644001, pp34-36, 03 April 1987.
1041 Interview of DC Alan Purvis, MPS020644001, pp38-43, 03 April 1987.
1042 Interview of DC Alan Purvis, MPS020644001, pp43-44, 03 April 1987.

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vi. Was asked whether he knew Garry Vian and Glenn Vian. He responded that he did not know them but had heard the names. He said that the two men might know him, and they may have spoken in passing conversation.[1043]

vii. Denied being involved in the murder or having anything to do with it.[1044] It was put to him that Jonathan Rees wanted to settle the legal action by Belmont Car Auctions, but Daniel Morgan was intent on defending the action. It was suggested that this would have meant that DC Alan Purvis, DC Peter Foley and DS Sidney Fillery would have been called as witnesses, and that this would have given them a motive '*for getting rid of MORGAN*'. DC Purvis said that he had never considered this. He told police that he would have been prepared to appear as a witness for his cousin and would have informed the police had he received a summons.[1045]

viii. Stated that he had gone straight home from Belmont Car Auctions on 18 March 1986.[1046]

ix. Stated that he had gone straight home from work on 19 March 1987.[1047]

x. Said that he had met DS Fillery three or four times since the murder. He classed DS Fillery as a friend, but had only been out with him twice, once with their two wives and once to a Masonic meeting.[1048]

609. DC Alan Purvis was asked about a meeting he had had with DS Sidney Fillery in a public house on 14 March 1987, the Saturday afternoon following the murder, while he was on duty. DS Fillery had said in his interview that '*I met him* [DC Alan Purvis] *on a Saturday in the Crown Public House* [which is on Bromley Common]*, I think the Saturday after the murder when I was told to take REES for a pint.*'[1049] DC Purvis:

i. Stated that he had phoned his inspector and got permission to go to Catford to book in on duty and then went to Sydenham, as DS Fillery had asked him to meet him about the murder. He was unable to remember where they met before going to the public house, and whether anyone else was present[1050] (During the Inquest a year later, DC Purvis said that Jonathan Rees had been present[1051,1052]). DC Purvis said that he went to the Dolphin public house and the murder was discussed, as was DS Fillery's continued involvement in the investigation. DC Purvis stated that he had thought DS Fillery's involvement was '*wrong*'.[1053]

ii. Was asked whether DS Fillery had told him that he (DS Fillery) '*had removed the file relating to Belmont cars*'. DC Purvis responded '*No*'.

1043 Interview of DC Alan Purvis, MPS020644001, p42, 03 April 1987.
1044 Interview of DC Alan Purvis, MPS020644001, pp67-70, 03 April 1987.
1045 Interview of DC Alan Purvis, MPS020644001, pp67-68, 03 April 1987.
1046 Interview of DC Alan Purvis, MPS020644001, pp26-28, 03 April 1987.
1047 Interview of DC Alan Purvis, MPS020644001, p57, 03 April 1987.
1048 Interview of DC Alan Purvis, MPS020644001, p49, 03 April 1987.
1049 Interview of former DS Sidney Fillery, MPS000718001, p3, 03 April 1987.
1050 Interview of DC Alan Purvis, MPS020644001, pp58-65, 03 April 1987.
1051 Inquest testimony of DC Alan Purvis, INT000006001, pp62-77, 18 April 1988.
1052 Interview of former DS Sidney Fillery, MPS000718001, pp2-3, 03 April 1987.
1053 Interview of DC Alan Purvis, MPS020644001, pp58-64, 03 April 1987.

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iii. Stated that DS Fillery had said to him that Daniel Morgan had been '*messing about with lots of women*'.[1054] DC Purvis said that he '*thought what Sid was saying was suspicious*'. He went on to say, '*I didn't think it was an irate husband*'.[1055]

610. Police had established that DS Sidney Fillery and Jonathan Rees had arrived at the Criminal Investigation Department (CID) office in Plumstead on Tuesday 31 March 1987 looking for DC Alan Purvis. He was asked why. He responded that he did not know. He said DS Fillery just invited him for a drink. He had an appointment with another officer with the licensee of a bar nearby. When they had finished the meeting, he went for a drink with a colleague, and saw DS Fillery and Jonathan Rees in the bar. He could not remember speaking about the murder.[1056]

611. DC Alan Purvis was asked whether he was aware of the message asking any officer who knew '*Southern Investigations or the principals*' to contact the Morgan One Investigation.[1057] He said he was unaware of the message.[1058] However, he also said that he had not contacted the Morgan One Investigation because he had nothing to tell them, and as DS Sidney Fillery was on the murder investigation he thought if they needed to speak to him they could.[1059] In fact, the telex message is dated 16 March 1987, the day on which DS Fillery left the investigation.[1060] While it mentions that Daniel Morgan was '*a private investigator with Southern Investigations and Morgan, Rees & Co.*', the telex actually only asked that '*any officer who has had dealings with or has knowledge of Morgan is requested to contact the Morgan incident room*'.[1061]

612. DC Alan Purvis was asked whether he had any involvement in the murder of Daniel Morgan. He denied it. He also said he knew nothing which might assist the murder investigation: '*Nobody has stated in my presence that they were responsible for killing that man. Fillery hasn't mentioned anything nor Rees nor Foley nor anyone else.*'[1062]

613. DC Alan Purvis was released without charge at 11.50 pm on 03 April 1987.[1063]

5.4.4 The arrest and interview of DC Peter Foley

614. DC Peter Foley was in the Anti-Terrorist Branch of the Metropolitan Police.[1064] He was 34 years old at the time of Daniel Morgan's murder. He had previously worked in the Criminal Investigation Department (CID) at Catford and was friends with DS Sidney Fillery.[1065] He was implicated in Daniel Morgan's murder through his suspected involvement in providing security for Southern Investigations at Belmont Car Auctions.[1066]

1054 Interview of DC Alan Purvis, MPS020644001, pp64-65, 03 April 1987.
1055 Interview of DC Alan Purvis, MPS020644001, pp65, 03 April 1987.
1056 Interview of DC Alan Purvis, MPS020644001, pp45-47, 03 April 1987.
1057 Interview of DC Alan Purvis, MPS020644001, pp50-51, 03 April 1987.
1058 The telex message mentions Daniel Morgan was *'a private investigator with Southern Investigations and Morgan, Rees & Co,'* but only asked *'any officer who has had dealings with or has knowledge of Morgan is requested to contact the Morgan incident room'*, MPS036415001, p1, 16 March 1987.
1059 Interview of DC Alan Purvis, MPS020644001, pp51-52, 03 April 1987.
1060 Telex message from Catford (PD) to all stations, MPS036415001, p1, 16 March 1987.
1061 Telex message from Catford (PD) to all stations, MPS036415001, p1, 16 March 1987.
1062 Interview of DC Alan Purvis, MPS020644001, pp71-72, 03 April 1987.
1063 Custody Record for DC Alan Purvis, MPS015895001, p3, 03 April 1987.
1064 Interview of DC Peter Foley, MPS015861001, p2, 03 April 1987.
1065 Interview of DC Peter Foley, MPS015861001, p3, 03 April 1987.
1066 Operation briefing, MPS014865001, undated.

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615. DC Peter Foley was arrested at his home on suspicion of the murder of Daniel Morgan, at 6.35 am on 03 April 1987, by D/Supt Rodney Bellis, and taken to an interview room at Bromley Police Station.[1067] His home was searched, and two unidentified letters and one envelope were seized.[1068]

616. He was interviewed twice by D/Supt Rodney Bellis and a Detective Sergeant between 10.02 am and 9.45 pm. Interview notes were recorded. DC Peter Foley did not wish to have a solicitor present.[1069,1070]

617. DC Peter Foley was asked about Jonathan Rees, DS Sidney Fillery and DC Alan Purvis. He said that he knew them all and that:

i. the last time he had seen DS Fillery was on Wednesday 25 March 1987 at a Masonic meeting in Penge. He said that they had discussed the murder as DC Foley knew that DS Fillery '*was on the investigation team*'.[1071]

ii. the last time he had seen Jonathan Rees was at the end of March 1986.[1072] When asked whether Jonathan Rees was a Mason, he replied, *'I don't think so. I don't know him that well.'*[1073]

iii. at the beginning of March 1986, he had asked DC Purvis '*if his cousin* [Michael Thorne] *had any good buys as far as motor vehicles were concerned*'. At that time Michael Thorne did not have a suitable car for him.[1074]

618. DC Peter Foley was asked about whether he had attended Belmont Car Auctions. Among other things he said the following:

i. He accepted that he had been at Belmont Car Auctions' premises on auction nights, but strenuously denied any wrongdoing in connection with his presence there. He also denied receiving any payment.[1075] He said that after a couple of evenings he was told that there was a Ford Sierra car available. He bought the Ford Sierra for £3,600 and he was given £400 for his own car. He recalled that it was sold for less at auction. He bought the car with finance through a finance company, and he said that '*in order to ensure I had the deposit he inflated the value of both cars so that it satisfied* [the finance company's] *requirements on deposits*'.[1076]

ii. He placed on record an explanation for his presence at the auctions in response to a question about whether he had been acting as a security officer, when he said:

'I was not employed by Southern Investigations, and I would like to explain why I was there [...].

1067 Custody record of DC Peter Foley, MPS014835001, p1, 03 April 1987.
1068 Premises Searched Record for DC Peter Foley, MPS014839001, 03 April 1987.
1069 Interview of DC Peter Foley, MPS015861001, 03 April 1987.
1070 Interview of DC Peter Foley, MPS015862001, 03 April 1987.
1071 Interview of DC Peter Foley, MPS015861001, p3, 03 April 1987.
1072 Interview of DC Peter Foley, MPS015861001, p5, 03 April 1987.
1073 Interview of DC Peter Foley, MPS015861001, p5, 03 April 1987.
1074 Interview of DC Peter Foley, MPS015861001, pp6-7, 03 April 1987.
1075 Interview of DC Peter Foley, MPS015861001, pp35-36, 03 April 1987.
1076 Interview of DC Peter Foley, MPS015861001, p15, 03 April 1987.

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'*Sid* [Fillery] *and Alan* [Purvis] *had approached me because Mike Thorne had been in touch with Southern Investigations and they in the company – could not produce the manpower needed at short notice. I was asked if I would go to the auctions with Alan and Sid to back up Mike Thorne. This was primarily because he was a cousin of Alan's and in distress* [...]. *I did it in my own time and as I understood it I was helping my friends Alan & his cousin and that this was helping to allay complaints against Police and prevent crime maybe. In no way did I put the Force into disrepute or behave in any way other than would be expected.*'[1077]

iii. He said that he had received a letter from solicitors acting for Belmont Car Auctions and had sought the advice of a senior officer and had decided that he had not reached the stage at which there was a necessity to report the letter. Indeed, he said that he thought that stage might never be reached. The letter related to a civil matter and '*in no way refers to any dishonesty on my part*'. Although he had drafted a response to the solicitors, he had not sent it. He had also spoken to DS Sidney Fillery and DC Alan Purvis and they had '*concluded that at this stage we had no obligation within our discipline code to notify our Senior Officers of impending civil proceedings as this did not seem to be the case*'.[1078]

iv. He said, when asked whether he had ever disclosed details of criminal convictions of anyone involved with Southern Investigations or their associates, that he had never disclosed any details of anyone's criminal convictions outside the police service.[1079]

v. He said, when asked whether he had ever seen a file regarding Belmont Car Auctions at Southern Investigations, that he had never been there. He also said that he had never seen DS Fillery with such a file, and that DS Fillery had not spoken to him about it.[1080]

vi. He said, when asked whether he had '*received a cut of the £18,000 supposed to have been stolen from REES*', that he had not.[1081]

619. The matter of DC Peter Foley's car purchase from Belmont Car Auctions, and the arrangements for financing that purchase, were referred for investigation (see Section 14.2 on the report by D/Supt Alec Button).

620. DC Peter Foley was asked whether he was aware of the message asking any officer who knew Daniel Morgan to contact D/Supt Douglas Campbell. DC Foley said that he thought the message just asked those who knew Daniel Morgan to contact the Morgan One Investigation, and he had not known him. DC Foley was correct, the telex actually only asked that '*any officer who has had dealings with or has knowledge of Morgan is requested to contact the Morgan incident room*'.[1082] He said that '*as I knew Sid* [Fillery] *was on the enquiry I knew if anything came up which I could help with he would tell Mr CAMPBELL*'.[1083,1084]

1077 Interview of DC Peter Foley, MPS015861001, pp12-13, 03 April 1987.
1078 Interview of DC Peter Foley, MPS015861001, pp28-29, 03 April 1987.
1079 Interview of DC Peter Foley, MPS015861001, pp29-30, 03 April 1987.
1080 Interview of DC Peter Foley, MPS015861001, pp30-31, 03 April 1987.
1081 Interview of DC Peter Foley, MPS015861001, p32, 03 April 1987.
1082 Telex message from Catford (PD) to all stations, MPS036415001, p1, 16 March 1987.
1083 Interview of DC Peter Foley, MPS015861001, p31, 03 April 1987.
1084 Telex message from Catford (PD) to all stations, MPS036415001, p1, 16 March 1987.

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621. DC Peter Foley was asked about the evening of 10 March 1987, and the duty sheet which listed his shift as finishing at 7.00 pm. He stated that this was correct, and that he had gone straight home to his wife.[1085]

622. DC Peter Foley denied killing Daniel Morgan when asked had he done so and said he did not know who had killed Daniel Morgan.[1086,1087]

623. DC Peter Foley was released without charge at 11.27 pm on 03 April 1987.[1088]

5.4.5 The three police officers released without charge

624. The three police officers (DS Sidney Fillery, DC Alan Purvis and DC Peter Foley) who were arrested on 03 April 1987 on suspicion of the murder of Daniel Morgan were released without charge. On 13 April 1987, D/Supt Douglas Campbell wrote a short report to the Commander of the Complaints Investigation Branch setting out the circumstances of Daniel Morgan's murder and the involvement of the three police officers with Southern Investigations and Belmont Car Auctions. This report concluded:

> *'There is no evidence at this stage that Detective Sergeant FILLERY or Detective Constables PURVIS and FOLEY were concerned in the murder of Daniel MORGAN.* […]
>
> *'I ask that this report together with the attached statements and documents be forwarded to Commander C.I.B. for further enquiry into any possible discipline offences.'*[1089]

625. The disciplinary enquiry is covered later in the chapter (see Section 14.2).

626. The issue of whether the three police officers who were arrested were members of the Freemasons was a matter which led to some concern later (see Chapter 10, Corruption). DS Sidney Fillery and DC Alan Purvis were both Freemasons who met socially and had discussed the murder at a Masonic meeting. DC Peter Foley had met DS Fillery through a Freemasons meeting, although he was not a member. The Morgan One Investigation also asked DC Foley if he knew whether Jonathan Rees was a Freemason. Although the Panel has seen no evidence that membership of the Freemasons was relevant to the murder investigation, it was the subject of later rumours, and is discussed further in Chapter 10 on Corruption.

627. DC Alan Purvis and DC Peter Foley later launched a civil action against the Metropolitan Police seeking damages for wrongful arrest, and the papers from this case provide an insight into the way their arrests were conducted. In 1990, as part of the Metropolitan Police response to the claims by DC Purvis and DC Foley, Commander Kenneth Merton stated:

> *'I did not feel happy about the proposal to arrest the Officers, although I appreciated from my own experience of working on Squads that one knows many more facts about the matter and one has a stronger feel for the enquiry, and whilst I felt uneasy I accepted that they possibly had facts which were unknown to me. My own feeling at the time was that I would not have taken that course of action, especially with the Police Officers, as in most cases the arrest of Police Officers is unnecessary as we have*

1085 Interview of DC Peter Foley, MPS015861001, p34, 03 April 1987.
1086 Interview of DC Peter Foley, MPS015861001, p35, 03 April 1987.
1087 Interview of DC Peter Foley, MPS015862001, p4, 03 April 1987.
1088 Custody record of DC Peter Foley, MPS014835001, p6, 03 April 1987.
1089 Report by D/Supt Douglas Campbell, MPS015847001, 13 April 1987.

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the Discipline Code. Also the arrest of Police Officers was bound to attract unwelcome media interest.'

He also stated:

'A couple of days later Alan LEWIS told me that he had received a request from the Murder Team at Catford to attend a briefing on the proposed arrest. I was concerned about the proposed course of action and I told Alan LEWIS not to go. I did not want CIB to be seen as condoning the action.'[1090]

628. In any matter involving a suspicion that an officer may have committed a criminal offence, the correct process was to conduct a criminal investigation, involving arrest if this was necessary. The issue of whether this might attract unwelcome media interest was not germane to any consideration of whether an arrest was necessary.

629. Former Commander Kenneth Merton confirmed his views in a statement sent to the Panel, in which he said the following:

i. '*I did not consider this sufficient evidence to warrant involvement of my officers in their murder enquiry, but I did agree to deal with any disciplinary offences, which might be revealed, during their investigations. In particular, the possibility that officers were engaged in a second employment as security guards at car auctions.*'

ii. '*I did not consider there was sufficient evidence to warrant this course of action* [the arrest of the officers], *but I know from my own experience of working on major enquiries that one often obtains snippets of information which do not amount to evidence, but do help one to decide on a course of action.*'

iii. '*Due to the lack of positive evidence of police officers being involved in the murder, but only suspicion, my preferred course of action would be to treat the officers as potential witnesses, rather than suspects, and obtain written statements from them covering aspects such as their exact relationship with the victim, knowledge of his business activities and associates.*'[1091]

630. The Panel has seen no contemporaneous evidence indicating any difference of opinion about the proposed arrests between Commander Kenneth Merton, Commander Alan Fry, DCS Douglas Shrubsole and D/Supt Douglas Campbell.

631. In 1990, during the civil proceedings bought by DC Alan Purvis and DC Peter Foley against the Metropolitan Police, the following statement was read in open court:

'As the Commisioner [sic] *of Police for the Metropolis now recognises and publicly acknowlegdes* [sic] *those arrests should never have taken place. There are* [not][1092] *and never were any* [reasonable][1093] *grounds to implicate these plaintiffs in such a horrendous crime. The defendant appears today by counsel to apologise unreservedly*

1090 Witness statement of Commander Kenneth Merton, MPS105400001, pp164-165, 14 August 1990.
1091 Statement of former Commander Kenneth Merton undated but supplied to the Panel.
1092 Handwritten onto the statement. Panel assumption is that the text was read out in court.
1093 Handwritten onto the statement. Panel assumption is that the text was read out in court.

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for the immense hurt and distress caused to the plaintiffs [DC Peter Foley and DC Alan Purvis] *by their unlawful arrest, the search of their homes and their detention and questioning and much regrets the unfortunate publicity which resulted therefrom. As a symbol of that regret, the defendant has agreed to pay each of the plaintiffs a substantial sum by way of damages and to meet their costs in bringing these proceedings. In these circumstances, the plaintiffs feel that their reputations have been vindicated and are content for this matter to rest. They are also happy to accept that at all material times those concerned in their arrest and detention* [and in particular Detective Superintendent Douglas Campbell][1094] *were acting in good faith."*[1095]

632. No grounds to justify the arrest of DC Alan Purvis or DC Peter Foley for murder have been found among the papers available to the Panel.

There were sufficient grounds to arrest DS Sidney Fillery on suspicion of the murder of Daniel Morgan. This was because, in addition to his suspected involvement with Belmont Car Auctions, he had been with Daniel Morgan on 09 March 1987 in the same location in which he was murdered the following day, and because the police were investigating whether DS Fillery had taken relevant files from the offices of Southern Investigations, and whether he had deliberately taken an inaccurate statement from Jonathan Rees.

633. The Panel does not agree that the fact that police officers had worked at Belmont Car Auctions when they were off duty, without first informing the Metropolitan Police, necessarily meant that the three police officers would lose their jobs.

5.4.6 The arrest and interview of Garry Vian

634. Garry Vian was Glenn Vian's younger brother, and Jonathan Rees's brother-in-law. He was 26 years old at the time of Daniel Morgan's murder. He was implicated in Daniel Morgan's murder through his involvement with Southern Investigations in providing security for Belmont Car Auctions (see Section 4.16 above).

635. Garry Vian was arrested at his home on suspicion of murder, at 6.50 am on 03 April 1987, by DC Richard Davis, and taken to Croydon Police Station.[1096] His home was searched. DS Christopher Horne and other officers were involved in the search. Nothing was recorded as having been seized.[1097]

1094 Handwritten onto the statement. Panel assumption is that the text was read out in court.
1095 Purvis and Foley statement in open court, MPS105400001, pp7-8, 17 May 1990.
1096 Custody Record of Garry Vian, MPS025481001, p1, 03 April 1987
1097 Premises Searched Record for Garry Vian, MPS025483001, 03 April 1987.

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636. Garry Vian was interviewed once on 03 April 1987, and once on 04 April 1987.[1098] Both interviews were conducted by DC Richard Davis and DS Christopher Horne. Garry Vian was legally represented at each interview, and his interviews were tape-recorded.[1099,1100]

637. Garry Vian was cautioned at the start of his first interview. He replied that he understood the caution, and that on the basis that he had not committed any offence he was not prepared to say anything. His interviewers questioned him for a brief period about his knowledge of Jonathan Rees and Daniel Morgan and whether he had worked for Southern Investigations. He was also questioned about the Belmont Car Auctions robbery but in the absence of specific evidence to put to him, and in the absence of any response from him, the interview was stopped.[1101]

638. At the start of his second interview, Garry Vian was reminded that he remained under caution.[1102] The interviewers asked him to account for his whereabouts on the evening of the murder. He was shown a photograph of a Rolex watch and asked if he had ever seen a similar one.[1103,1104] He was also shown two photographs of the murder weapon, one in black and white and the other in colour, and invited to comment on whether he had ever seen or handled a similar axe. He was asked if he had ever purchased an axe like it, or if he had been present when Elastoplast was applied to the handle of one. He declined to answer any of the questions put to him. These questions were important, as responses could have been used to refute any explanation Garry Vian might have offered if he was later forensically linked to the murder weapon, or if it could have been proved that he had purchased it.

639. Garry Vian remained in custody until his brother, Glenn Vian, had been interviewed, in case any matters relevant to both men arose from interviews. He was released on bail at 10.55 am on 04 April 1987, to return to Croydon Police Station on 18 May 1987.[1105]

5.4.7 The arrest and interview of Glenn Vian

640. Glenn Vian was Garry Vian's older brother. He was 28 years old at the time of Daniel Morgan's murder. He was originally implicated in the murder through his involvement with Southern Investigations in providing security for Belmont Car Auctions (see Section 4.16 above).

641. Police attended the home address of Glenn Vian at 6.30 am on 03 April 1987, to be informed by his wife, Kim Vian, that he was at work.[1106] The search record for Glenn Vian's house is not among the papers disclosed to the Panel.

1098 Custody Record of Garry Vian, MPS025481001, p1, 03 April 1987.
1099 Interview of Garry Vian, MPS015888001, 03 April 1987.
1100 Interview of Garry Vian, MPS015887001, 04 April 1987.
1101 Interview of Garry Vian, MPS015888001, 03 April 1987.
1102 Interview of Garry Vian, MPS015887001, 04 April 1987.
1103 Interview of Garry Vian, MPS015887001, 04 April 1987.
1104 The investigation team had recovered a photograph of Daniel Morgan's watch from an insurance broker who had offices in the same building as Southern Investigations (Exhibit RBW/2). This may have been the photograph shown to Garry Vian (Statement of the insurance broker, MPS010437001, 16 March 1987).
1105 Custody Record of Garry Vian, MPS025481001, p4 and 6, 04 April 1987.
1106 Witness statement of Michael Crofts, MPS010572001, p1, 10 April 1987

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642. There is confusion in the records available about what was taken from Glenn Vian's house:

i. DC Michael Crofts stated that he seized a pair of trousers (MC/1) and some correspondence (MC/2) from a wardrobe in the main bedroom.[1107] There is no record of these trousers or of the correspondence in the Exhibits Book or in any other documentation.

ii. One pair of trousers labelled '*KD27*', described as '*BELONGING TO GARY* [sic] *VIAN*' and having been found by '*DC DAVIS*' at the '*HOME ADDRESS OF VIAN IN DUSTBIN*' was recorded in the Exhibits Book for the Morgan One Investigation.[1108] There was no record of the home address referred to. The Panel is of the view that the exhibit label '*KD27*' indicated that the trousers had been seized by DC Kinley Davies, who was involved in the search of Glenn Vian's house. There was no '*DC DAVIS*' involved in the search of Glenn Vian's house. DC Richard Davis had been involved in the search of Garry Vian's house. There is no other evidence to suggest that these trousers belonged to Garry Vian.

iii. A telescopic truncheon,[1109] two Stanley knives,[1110] a letter addressed to Glenn Vian,[1111] and two pieces of paper,[1112] on which there were phone numbers, were seized by DC Kinley Davies from '*VIANs* [sic] *HA* [home address]'.[1113] Since DC Davies was, according to DC Michael Crofts, involved in the search of Glenn VIAN's house, it is assumed by the Panel that these items were seized from Glenn VIAN's house.

643. At 7.40 pm that evening, Glenn Vian telephoned the police, and said he would attend Croydon Police Station, stating that he would '*be there in about 40 minutes*'.[1114] At 7.55 pm, a Detective Sergeant, DC Michael Crofts and DC Kinley Davies went to Glenn Vian's home, arrested him and took him to Croydon Police Station.[1115,1116]

644. Glenn Vian was interviewed on the morning of 04 April 1987 by DS Christopher Horne and DC Kinley Davies. His solicitor was present. His interview was tape-recorded. The interviewers told him that police were investigating the murder of Daniel Morgan, and he was cautioned. After the first question was asked following the caution, Glenn Vian indicated that he did not wish to say anything. The interviewers proceeded to ask a series of questions similar to those asked of Garry Vian, and Glenn Vian was shown the same photographs. He did not reply to any of the questions.[1117]

645. Glenn Vian was released on bail on 04 April 1987 to return to Croydon Police Station on 18 May 1987. No details about his release, other than the details required for him to return to the police station, are recorded on his custody record.[1118]

1107 Witness statement of Michael Crofts, MPS000184001, p1, 10 April 1987.
1108 Exhibits Book (Exhibits 145-210, re Miscellaneous Venues), MPS005103001, p2.
1109 KD/28.
1110 KD/29.
1111 KD/30.
1112 KD/31.
1113 Exhibits Book (Exhibits 145-210, re Miscellaneous Venues), MPS005103001, p3.
1114 Message M117 to Incident Room from Glenn Vian, MPS012177001, 03 April 1987.
1115 Statement of DC Kinley Davies, MPS010497001, 09 April 1987.
1116 Custody Record Glenn Vian, MPS025471001, p1, 03 April 1987.
1117 Interview of Glenn Vian, MPS015886001, 04 April 1987.
1118 Custody Record Glenn Vian, MPS025471001, p5, 04 April 1987.

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646. During interview on 04 April 1987, Glenn Vian was not asked to account for his movements during the day nor why he was not at home when officers came to arrest him.

647. Following their interviews, DC Alan Purvis, DC Peter Foley, DS Sidney Fillery and Jonathan Rees were all released without charge, while Garry Vian and Glenn Vian were released on bail, to return to Croydon Police Station on 18 May 1987.

648. The Panel sought clarification from the Metropolitan Police as to why Garry Vian and Glenn Vian were the only suspects of the six arrested whose interviews were tape-recorded. The Metropolitan Police responded in November 2015 that after the introduction of the Police and Criminal Evidence Act in 1984, they commenced trials of prisoner tape-recorded interview rooms in custody suites at Kingston, Holborn and Croydon Police Stations. The provision of recording facilities at all custody suites within the Metropolitan Police was not completed until early 1992. Garry Vian and Glenn Vian were detained at Croydon and accordingly their interviews were tape-recorded.[1119]

5.4.8 Other arrests

649. After the arrests and release of Jonathan Rees, DS Sidney Fillery, DC Alan Purvis, DC Peter Foley, Glenn Vian and Garry Vian, police continued with the investigation of Daniel Morgan's murder. They arrested a further three individuals during the course of the Morgan One Investigation. Five other individuals were also interviewed while they were in custody for other matters. The circumstances of these arrests and interviews are summarised below.

5.4.8.1 An arrest in June 1987

650. Person Y19 was identified as someone who had a motive, because his wife had had an affair with Daniel Morgan after she had first met him, when Daniel Morgan was employed by her solicitor to deliver a court order enabling her to take custody of her child during a marital dispute.[1120] The Morgan One Investigation examined this matter:

i. His wife had told police that she was very frightened of her husband finding out about her and Daniel Morgan, because he might do something terrible to her.[1121] She had provided an alibi for him for the night of 10 March 1987.[1122]

ii. On the day on which his wife provided the alibi, Person Y19 provided a statement to the Morgan One Investigation in which he acknowledged that he disliked Daniel Morgan. He had made one non-threatening phone call to him and, other than that, he had had no personal contact with Daniel Morgan.[1123] Further enquiries were made which confirmed Person Y19's account.

iii. Investigation demonstrated that Person Y19 had a history of violence.[1124] He was arrested on 16 June 1987 on suspicion of involvement in the murder of Daniel Morgan. His house was searched by DI Allan Jones, DC Michael Crofts, DC Kinley Davies, WDC Julie Benfield and WPC Maria Little.[1125]

1119 Metropolitan Police response SS252 (Scott Schedule 252) to ADIR142 (Additional Disclosure Information Request), Email to DMIP, 13 November 2015.
1120 Briefing notes and correspondence, MPS0113320001, p8, undated.
1121 Witness statement, MPS010286001, p12, 14 March 1987.
1122 Witness statement, MPS010293001, pp1-2, 14 April 1987.
1123 Witness statement of Person Y19, MPS010595001, pp2-3, 14 April 1987.
1124 Witness statement of Y19's friend, MPS010684001, 02 June 1987.
1125 Correspondence, custody record and warrant re Person Y19, MPS011331001, 16 June 1987.

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iv. DC Michael Crofts recorded in the Custody Record for Person Y19 that '[t]*he main bedroom was searched and, in the wardrobe* […] *I found a gray* [sic] *anorak. I said to* [Person Y19] *"Is this yours." He replied, "Yes." I said, "There appears to be blood splashes on the arm how did that get there?"* [Person Y19] *"I don't know, it has been washed.""*[1126] An entry on the Custody Record signed by both Person Y19 and DC Kinley Davies shows that his '*windcheater jacket*' was retained by police.[1127]

v. There is no record in the Exhibits Book of the jacket seized by DC Michael Crofts.[1128] There is no further trace of the jacket, and it has not been found since.

vi. In interview following his arrest, Person Y19 confirmed ownership of the jacket which had been seized and answered all the questions put to him.[1129]

vii. D/Supt Douglas Campbell concluded: '*There was no evidence* [Person Y19] *was aware of his wife's affair, although he had met MORGAN when he executed the Court Order in respect of the child*.' Person Y19 was eliminated from the enquiry on the basis of his alibi, as the police believed that, '[a]*t the time of the murder he was visiting his children by a previous marriage at his parents* [sic] *house*'.[1130]

651. A friend and business associate of Person Y19 was spoken to by the Morgan One Investigation following an instruction issued by D/Supt Douglas Campbell to obtain a search warrant, arrest and interview him.[1131] The material available shows the following:

i. The business associate's house was searched on 16 June 1987.

ii. A lightweight blue jacket with grey and red lining was seized during a search of the business associate's home to determine whether the lining of the jacket matched the fibres on the axe used to murder Daniel Morgan.

iii. There is no custody record for the business associate, and it is not known whether he was arrested. He was interviewed and made a statement saying that he was friendly with Person Y19, that he had not known Daniel Morgan, had not drunk at the Golden Lion public house for about eight years, and had learned of the murder from *Crimewatch*. He could not remember where he was on the night of the murder.[1132]

iv. WDS Christine Fowles reported on 16 June 1987 that the business associate had been eliminated from the investigation, following the taking of the statement from him.[1133]

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1126 Correspondence, custody record and warrant re Person Y19, MPS011331001, pp14-15, 16 June 1987.
1127 Correspondence, custody record and warrant re Person Y19, MPS011331001 p2, 16 June 1987.
1128 Copy of Exhibits Book (Exhibits 145-210, re Miscellaneous Venues), MPS005103001.
1129 Police interview of Person Y19, MPS010596001, 16 June 1987.
1130 Registry docket report by D/Supt Douglas Campbell, MPS008491001, pp16-17, undated.
1131 Action A879 liaise with DC Benfield and DI Jones regarding the business associate re his association with Person Y19.
1132 Witness statement of the business associate, MPS010706001, 16 June 1987.
1133 Action A879 liaise with DC Benfield and DI Jones regarding a business associate of Person Y19.

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652. Person Y19 was known to be violent. His wife, who provided his alibi, was afraid of Person Y19. He should not have been eliminated without further investigation.

The bloodstained grey jacket taken from Person Y19's house should have been recorded in the Exhibits Book and submitted for forensic examination. That it was not forensically examined and cannot now be found is a significant failure of the Morgan One Investigation.

5.4.8.2 Two arrests in January 1988

653. Two other individuals were arrested on suspicion of the murder of Daniel Morgan during the Morgan One Investigation, following receipt of information potentially connecting them to allegations concerning DS Sidney Fillery.

654. On 19 September 1987, a man was remanded in police custody for an offence unconnected to the murder of Daniel Morgan, in relation to investigations into burglary and stolen cheque cards.[1134] While in custody, however, he '*stated he had information covering the axe murder in Lower Sydenham*'.[1135] As a result, officers from the Morgan One Investigation spoke to him, and recorded: '*He states he is an associate of* [a glazier] […] *he had heard that* [the glazier] *fitted double glazing to Fillerys* [sic] *home address. He also stated that Fillery had covered up something at the time of the murder on behalf of the licencee* [sic] *of the Golden Lion Public House*.'[1136] This prompted further enquiries.

655. Following receipt of this information, the glazier and his brother were arrested on 22 January 1988.[1137,1138,1139] The glazier said that he did not know who Daniel Morgan was; nor did he know of the Golden Lion public house or Southern Investigations. The glazier said that DS Sidney Fillery was related to his former wife, he had met him '*2 or 3 or a few times*', and he had carried out work at DS Fillery's house six years previously. He could not remember where he was on the night of the murder.[1140]

656. The glazier's brother had a history of violence. He could not remember where he was on 10 March 1987 but said he could check. He said he did not know Daniel Morgan or DS Sidney Fillery, and he denied any involvement in the murder of Daniel Morgan.[1141]

657. Both brothers were released. No further investigation ensued.

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1134 Custody record, MPS011420001, pp4-12,19 September 1987.
1135 Message M652, MPS012712001, 21 December 1987.
1136 Action A1490, MPS014553001, 21 December 1987.
1137 Message M477 Contains details of persons/businesses which SIO requires researched, MPS012537001, 22 September 1987.
1138 Action A1570, MPS014633001, 22 January 1988.
1139 Action A1571, MPS014634001, 22 January 1988.
1140 Interview, MPS003338001, 22 January 1988.
1141 Interview, MPS003339001, 22 January 1988.

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658. Although the Panel can see no reason to support their arrest, the two brothers should have been the subject of further investigation. As neither could account for their movements on the night of the murder, an attempt should have been made to determine whether they could be eliminated from the Morgan One Investigation.

5.4.9 Individuals interviewed while in custody for other matters

659. The Morgan One Investigation interviewed four further individuals under caution in connection with the murder of Daniel Morgan, while they were in police custody for unrelated offences. These are summarised below.

660. A possible suspect emerged on 17 May 1987 when information was received by the Morgan One Investigation that a serious assault had been committed on 16 May 1987 in which an axe was used.[1142,1143] After the suspect was arrested in connection with that assault, a newspaper cutting, which referred to the murder of Daniel Morgan, was found in the man's pocket.[1144] He was interviewed under caution by DI Allan Jones on 27 May 1987 in connection with Daniel Morgan's murder. He denied any knowledge of Daniel Morgan's murder, or of the newspaper cutting which, he said, was not his and had not been in his pocket.[1145,1146,1147] His home was searched, and a red jumper was seized.

661. Having examined the further investigation of this individual, it has been established, on the basis of the information available, that the matter was effectively dealt with.

662. A friend of the same suspect was also interviewed by officers from the Morgan One Investigation while in custody in connection with this matter, but he could provide no information useful to the murder investigation.[1148]

663. A person was interviewed by two officers from the Morgan One Investigation on 19 May 1987 while he was in custody having been arrested following the receipt of information, which transpired to be malicious, from an unknown male.[1149] There was no evidence to connect him to the murder of Daniel Morgan.[1150]

664. Finally, a further person was spoken to by Police Officer A27 on 12 November 1987 while in custody having been arrested for supplying controlled drugs. He had no knowledge of Daniel Morgan's murder.[1151]

1142 Message M234, relates to officer from Sydenham Police contacting Incident Room re report of assault with an axe, MPS012294001, 17 May 1987.
1143 Action A758, Contact PD re. assault, MPS013821001, 19 May 1987.
1144 Message M260, regards male in custody, MPS012320001, 29 [sic] May 1987.
1145 Interview of the suspect, MPS016603001, 27 May 1987.
1146 Interview of the suspect, MPS016604001, 28 May 1987.
1147 Interview of the suspect, MPS016605001, 28 May 1987.
1148 Transcript of Interview in respect of the friend of the suspect, MPS010704001, 10 June 1987.
1149 Interview of a suspect by DS Davies and DC Lombard, MPS016664001, 19 May 1987.
1150 Action A761 Morgan One Investigation, MPS013824001, 19 May 1987.
1151 Message M581 Morgan One Investigation, MPS012641001, 12 November 1987.

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6 Items submitted for forensic examination after 03 April 1987

665. A number of items were submitted to the Forensic Science Laboratory following the arrests on 03 April 1987 and 17 May 1987.

6.1 The Elastoplast

666. The murder weapon was resubmitted with a request to compare the Elastoplast tape on the axe with tape seized from Jonathan Rees's home at the time of his arrest.[1152] Phillip Toates, a forensic scientist, reported that the plasters and backing tape seized from Jonathan Rees's home were similar to the tape on the axe handle, '*but the free cut ends of the plasters on the axe did not fit together with the cut ends of the plasters* [seized]' [emphasis in original].[1153]

667. Extensive enquiries were carried out to identify the origin and manufacturer of the tape. However, it was ultimately reported that '*additional features of the plasters* [seized] *indicated that they were most probably of different batches from the plasters on the axe*'. The report further stated that the sections of tape used on the axe handle were manufactured and sold in large quantities, including under the Elastoplast brand name.[1154]

6.2 The razor

668. The cut throat razor which had been seized from Jonathan Rees's house was submitted to determine whether it could have been used to make the cuts on the handle of the axe.[1155]

669. A forensic scientist concluded that there were no connections between the razor seized from Jonathan Rees's home and the cuts on the axe.[1156]

6.3 The trousers

670. A pair of trousers, described as Exhibit KD/27, was submitted on 13 April 1987 for examination for traces of blood matching that found on the axe used to murder Daniel Morgan. The documentation stated that the victim was Daniel Morgan and that the suspect was Glenn Vian.[1157] A report on the type and condition of the trousers was received. The forensic scientist reported that no blood was found on the trousers.[1158] It was recorded in the Exhibits Book that the trousers were subsequently disposed of.[1159] However, it was established in 2010 that this had not happened.[1160]

6.4 The red jumper

671. A red jumper found at the home of an individual arrested on 25 May (see paragraph 660 above) was submitted for testing on 01 June 1987 to see whether it matched red viscose fibres found on the axe used to murder Daniel Morgan.[1161] On 12 June 1987 the Morgan One Investigation was informed by the Forensic Science Laboratory that the fibres from the man's jumper did not match those found on the axe.[1162]

1152 Submission of Articles to Forensic Science Laboratory, MPS025450001, p2, 03 April 1987.
1153 Forensic Science Laboratory Report, MPS071210001, p2, 19 August 1987.
1154 Forensic Science Laboratory Report, MPS071210001, p2, 19 August 1987.
1155 Submission of Articles to Forensic Science Laboratory, MPS025450001, p2, 03 April 1987.
1156 Statement of the further forensic scientist, MPS010685001, p1, 27 May 1987.
1157 Report to submit various articles belonging to Daniel Morgan to the forensic laboratory, MPS025489001, 13 April 1987.
1158 Forensic report by Philip Toates, MPS011412001, p3, 19 August 1987.
1159 Copy of Exhibits Book (Exhibits 145-210, re Miscellaneous Venues), MPS005103001, pp2-3.
1160 Witness statement of forensic scientist, MPS079408001, p2, 23 September 2010.
1161 Submission of articles to Forensic Science Laboratory, MPS011311001, 01 June 1987.
1162 Message M306 regarding the fibres found on the tapes on the axe MPS012366001, 12 June 1987.

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6.5 The blue jacket

672. A lightweight blue jacket with red and grey lining, seized from the home of the business associate of Person Y19, was submitted for testing on 16 June 1987 to see whether it matched the fibres found on the axe used to murder Daniel Morgan.[1163] The fibres did not match.

673. No further information is available as to the outcome of any testing which may have been conducted. It is not included in any report prepared by the forensic scientists.

674. Nothing emerged from the forensic examination of exhibits which had been seized following the arrests, which was of assistance to the investigation.

6.6 Material seized but not sent for forensic examination

675. A number of items were seized during the searches following the arrests referred to above. Some were sent for forensic analysis. Others were not.

676. DC Michael Crofts said in his statement of 10 April 1987 that he seized a pair of trousers (MC/1) and some correspondence (MC/2) from a wardrobe in the main bedroom of Glenn Vian's house.[1164] No further records exist in respect of these trousers.

677. The material available shows that, during the search of Glenn Vian's house, two pairs of trousers were recovered: one by DC Michael Crofts and a second pair of trousers seized by DC Kinley Davies. They were seized from different locations in Glenn Vian's house. One pair of trousers was submitted for forensic examination. There is no record of what happened to the trousers seized by DC Crofts. There was a failure to preserve these trousers for forensic examination. This constitutes a loss of evidence which may have been of significance to the investigation.

678. A telescopic truncheon, two Stanley knives, a letter addressed to Glenn Vian, and two pieces of paper on which there were phone numbers, were also recorded as seized from '*VIANs HA* [Home Address]' on 03 April 1987.[1165] They were seized by DC Kinley Davies and bear the labels KD/28, KD/29, KD/30 and KD/31. Since DC Kinley Davies was involved in the search of Glenn Vian's house, it is probable that these items came from Glenn Vian's house. All these items are recorded as having been destroyed by the police,[1166] following consultation, incorrectly, with the solicitor acting for Garry Vian.[1167] There is no record of the date of destruction, and no indication that the Stanley knives or the truncheon were submitted for analysis.

1163 Submission of articles to Forensic Science Laboratory, MPS079608001, 16 June 1987.
1164 Witness statement of DC Michael Crofts, MPS010572001, p1, 10 April 1987.
1165 Document D500 List of exhibits, MPS014806001, pp19-20.
1166 Copy of Exhibit Book, MPS018739001, pp15-16, 03 April 1987.
1167 Message M877, telephone call to Gary Vian's solicitor from DC Blake, the Morgan One Investigation Exhibits Officer, MPS012937001, 24 May 1988.

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679. The Panel has been unable to determine why DC Clive Blake (the Exhibits Officer) consulted Garry Vian's solicitor, rather than Glenn Vian's solicitor, in relation to the exhibits described above. There are three possibilities: that the items belonged to Garry Vian but were found at Glenn Vian's home, that they belonged to Garry Vian and were found at Garry Vian's home, or that they belonged to Glenn Vian and that DC Blake was confused when he sought permission from Garry Vian's solicitor to destroy them. The Panel is of the view, given the labelling of the items seized as Exhibits KD/27 to KD/31, that they were seized by DC Kinley Davies during the search of Glenn Vian's home.

680. These materials should not simply have been destroyed. The handle of the axe used to murder Daniel Morgan had been scored by a sharp instrument. The forensic scientist could have determined whether there was any possible link between one of the knives and the scoring on the axe.

Moreover, as stated above, Jonathan Rees had been accompanied by Glenn Vian and Garry Vian until shortly before he was attacked and robbed in March 1986, and the authenticity of that robbery had been called into question (see paragraphs 496iii and 497 above). Jonathan Rees had claimed that he was hit on the head by a truncheon when he was attacked during the Belmont Car Auctions robbery and so the Morgan One Investigation should have submitted the truncheon for forensic analysis to test if it had any link to Jonathan Rees.

There is no information about the phone numbers on the documentation seized, which may or may not have been relevant to the murder investigation.

681. At no stage during the Morgan One Investigation or subsequent investigations were these matters discussed. They should have been, because these failures meant potentially useful evidence was lost.

6.7 Jonathan Rees's raincoat

682. On 06 April 1987, DC Kinley Davies was instructed by DS Malcolm Davidson, acting on instruction from D/Supt Douglas Campbell, to obtain clothing worn by Jonathan Rees at the time of the murder, including a white raincoat and black gloves.

683. On 10 April 1987, it was recorded that these items were now not required.[1168] There is nothing within the available papers to explain the decision.

684. In interview with the Panel, former DC Kinley Davies said that he could not remember whether he or DC Richard Davis had been tasked to obtain clothing worn by Jonathan Rees.[1169] It has been impossible, therefore, to establish why on 10 April 1987 it was apparently decided that these items were no longer required for examination.

1168 Action A514 Obtain clothing worn by Rees at time of murder includes white top coat & black gloves and hand to exhibits officer, MPS013577001, 06 April 1987.

1169 Panel interview with former DC Kinley Davies, p5, 14 June 2016.

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685. On 07 March 1988, a Detective Constable, who had been tasked to ensure that Jonathan Rees's car was forensically examined, noted that '*REES refused to submit the raincoat he wore on the night of the murder for forensic examination. This coat has been lodged with his solicitor Michael GOODRIDGE*.'[1170]

686. On 04 May 1988, Michael Goodridge spoke to DI Allan Jones by telephone and stated that he did not have the raincoat. He said that he would look into it and phone back. There is no further evidence in relation to the raincoat.

687. Every effort should have been made to secure and present for forensic examination all the clothing worn by Jonathan Rees when he was in the Golden Lion public house on the night of the murder. It is a matter of great concern that this issue was not pursued further, so that the clothing could be subjected to appropriate forensic examination. There is no evidence in the material available to the Panel that the Morgan One Investigation ensured that this was done. This was a major failing, which was ultimately the responsibility of D/Supt Douglas Campbell.

6.8 Documentary material seized but apparently never examined

688. In addition to the failures to submit items seized for forensic examination, the Morgan One Investigation papers indicate that material which had been seized in the course of the investigation was not examined to determine whether there was information which might be of use to the investigation:

i. On 03 April 1987, a briefcase containing assorted correspondence, a 1987 Letts Desk Diary, two Trustees Saving Bank (TSB) diaries for 1985 and 1986, a 1986 Southern Investigations diary, an address and telephone binder, a letter re Belmont Car Auctions and a quantity of invoices were recorded as having been taken from Jonathan Rees on the Custody Record created when he was arrested.[1171]

ii. Nineteen items were recorded as having been seized from the Southern Investigations office by WDS Christine Fowles and DC Clive Blake on 03 April 1987. Two of these items, a telephone message book and a red indexed book, were returned to Peter Newby, the Office Manager at Southern Investigations, on 05 May 1987. The remaining 17 items were stated to have been returned to Peter Newby on 18 May 1987.[1172] There is no record that any copy was made of any of these items before their return. In 2020, former DC Blake informed the Panel that the decision to retain or restore property and exhibits would have been made by *'the SIO or other supervisor'*, and not by him.

The Panel has found no trace of any consideration of, or investigative actions arising from, the various documentary exhibits seized at the time of Jonathan Rees's arrest, which were returned either on the date of his arrest or six weeks later.

1170 Action A1623, *'Arrange for REES to bring his car to a police station for SOCO examination. Obtain fibre samples from seats front and rear floor mats and boot mats'*, MPS014686001, 07 March 1988.
1171 Custody Record for Jonathan Rees, MPS014837001, p3, 18, 03 April 1987.
1172 Statement of DC Clive Blake, MPS028077001, pp3-4, 07 June 1988.

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iii. '*Five files*'[1173] were taken from Daniel Morgan's home, probably on 22 December 1987.[1174] They were returned to Iris Morgan on 25 August 1988.[1175]

There is no indication of what was in the files. There is consequentially no evidence that they were considered by the Morgan One Investigation.

689. The failure to pursue all forensic and investigative opportunities after the arrests was a missed opportunity which could have had significant consequences for the investigation.

7 Ongoing investigation into possible motives for the murder of Daniel Morgan

690. Although D/Supt Douglas Campbell largely focused his investigation on the six suspects arrested on 03 April 1987 in connection with their involvement with Belmont Car Auctions, he also pursued other lines of enquiry. The most significant of these are summarised below.

7.1 The recovery of a Range Rover from Malta

691. On 11 March 1987, the day after Daniel Morgan was murdered, two officers from West Yorkshire Police, DS Peter Mann and a Detective Constable, contacted Southern Investigations. The West Yorkshire Police officers were carrying out a £1,000,000 fraud investigation involving two companies and seven named individuals.[1176,1177] This investigation ultimately led to the conviction of five people.

692. The officers had intended to meet Daniel Morgan and take a witness statement from him about a business trip which he had made to Malta in the first week of February 1987, to repossess a Range Rover motor vehicle on behalf of a finance company. An office diary seized by police from Southern Investigations' offices on 03 April 1987 was subsequently found to have contained an entry for 02 March 1987, '*Sgt Peter MANN to ring Daniel*'.[1178]

693. The fact that Daniel Morgan had been murdered the night before he was to have been interviewed by these police officers raises the obvious question as to whether the timings of the murder and of the visit were mere coincidence, or were connected. Therefore, the subject matter of the West Yorkshire officers' visit and of the trip to Malta quite properly became a line of enquiry for the murder investigation.

7.1.1 Daniel Morgan's trip to Malta

694. The Panel's knowledge of the Malta trip derives largely from the accounts given by a witness, David Bray, to West Yorkshire Police officers and to the Metropolitan Police. David Bray had been employed as a process-server at Southern Investigations and had worked

1173 Exhibit IM/14.
1174 Exhibits book, Miscellaneous Venues, MPS005801001, pp30-31.
1175 Metropolitan Police Property receipt in respect of items returned to Iris Morgan, MPS079844001, 25 August 1988.
1176 Message M71 from DS Peter Mann, MPS012131001, 11 March 1987.
1177 Report regarding Operation Westgate witness statement of David Bray, MPS011163001, 14 March 1987.
1178 Copies diaries, phone books and message pads of Rees from Southern Investigations office, MPS103877001, p1964.

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regularly with Daniel Morgan for a year, although he had known him for some time longer. He had accompanied Daniel Morgan to Malta and, during the course of the Morgan One and subsequent investigations, he made a total of 13 witness statements concerning his knowledge of Daniel Morgan, his work at Southern Investigations and related matters.[1179] David Bray produced to the Morgan One Investigation two rolls of film which he had taken in Malta.[1180,1181]

695. A man called Irving Markson was believed to have taken a Range Rover to Malta. He had subsequently been deported and had been arrested on his arrival back in the UK in July 1986. On 01 February 1987, Daniel Morgan and David Bray had flown to Malta to repossess the Range Rover, which had been in the possession of Irving Markson who, with several other people, was the subject of the major fraud investigation by West Yorkshire Police. The evidence surrounding the vehicle's removal formed a minor part of the subsequent prosecution against him, and he and four others were later convicted of serious fraud. Irving Markson was sentenced to five years' imprisonment.[1182,1183,1184]

696. While in Malta, Daniel Morgan and David Bray came into contact with a number of local people in their efforts to locate and repossess the Range Rover, and also had dealings with the Maltese Police, who, David Bray said, were unhelpful (although police are not usually involved in non-criminal matters such as the recovery of vehicles), and with the Maltese Customs.[1185] They had been told by a contact that a lawyer called Dr Alfred Greech might be able to help them find the car.[1186] They were unable to contact Dr Greech. They had also been told, by the finance company for which they were working, that Irving Markson, who had a house on the adjacent Maltese island of Gozo, had been seen driving the vehicle. This had been confirmed on their arrival in Malta. They had been told that it was being kept by Person C22. Person C22 had been storing it on behalf of Irving Markson in a barn on Gozo.[1187,1188]

697. Daniel Morgan and David Bray had travelled to Gozo, located the Range Rover and brought it back to Valetta in Malta. David Bray said that Daniel Morgan had had to negotiate with Person C22 to obtain the release of the vehicle, as storage charges were allegedly owed. Customs duties were also payable to Maltese Customs before it could be exported from Malta.[1189] The total charges amounted to some £2,000, and Daniel Morgan had telephoned the finance company in the UK to get approval to pay these charges. Having obtained approval, on 05 February 1987 Daniel Morgan, David Bray and Person C22 went to the Customs offices in Valetta. Daniel Morgan paid the necessary charges for the car and Person C22 paid some money – '*not more than £100*' – to a Customs Officer.[1190] An unusual and unexplained aspect of the transaction was that at the same time he handed the officer six passports, one of which was British and the others of different nationalities. According to David Bray, none of them belonged

1179 Witness statements of David Bray, MPS010154001, 11 March 1987, MPS011163001, pp4-8,11 March 1987, MPS010155001, 14 March 1987, MPS010156001, 18 March 1987, MPS010157001, 19 March 1987, MPS010158001, 20 March 1987, MPS010159001, 11 May 1987, MPS010160001, 13 January 1988, MPS028074001, 31 October 1988 (unsigned), MPS010161001, 13 December 1988, MPS010162001, 02 March 1989, MPS010163001, 15 March 1989, and MPS077657001, 25 June 2007.
1180 Exhibit DAJB/5, copy of exhibits book David Bray, MPS005799001, p6, 20 March 1987.
1181 Witness statement of David Bray, MPS010158001, 20 March 1987.
1182 Panel Interview with former DCS Trevor Brading, West Yorkshire Police, 22 February 2016.
1183 Panel interview with a former Detective Constable from West Yorkshire Police, 06 January 2016.
1184 Registry docket report by D/Supt Douglas Campbell, MPS008491001, pp3-4.
1185 Witness statement of David Bray, MPS011163001, pp5-6, 11 March 1987.
1186 Witness statement of David Bray, MPS010155001, p8, 14 March 1987.
1187 Witness statement of David Bray, MPS010155001, p8, 14 March 1987.
1188 Witness statement of a client of Daniel Morgan, MPS010636001, 10 April 1987.
1189 Witness statement of David Bray, MPS010155001, p10, 14 March 1987.
1190 Witness statement of David Bray, MPS010156001, p4, 18 March 1987.

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to Person C22. The Customs Officer stamped them all and then handed them back.[1191] It is not known to whom they belonged, nor whether they had any relevance to the subsequent murder of Daniel Morgan. Daniel Morgan was then authorised to remove the vehicle from Malta. Person C22 then gave the Customs Officer a further sum of money, the equivalent of about £20.[1192]

698. On 07 February 1987 they left Malta for Sicily and drove back to London, arriving at 3.30 pm on 09 February 1987.[1193,1194]

699. David Bray then stated that, on returning to the UK, Daniel Morgan telephoned West Yorkshire Police investigating the fraud '*and told them about the Malta trip, the vehicle, the passports and corruption, the lot*'. The police said that they would take a statement from him in due course.[1195]

700. A 1987 diary, which had been seized by the Morgan One Investigation during its searches of the Southern Investigations office following the arrests on 03 April 1987, and had been returned to Jonathan Rees on 18 May 1987 without any examination, contained a written entry for 02 March 1987: '*Sgt Peter MANN to ring Daniel*'. This entry was not identified by the Morgan One Investigation. However, the diary was seized during a subsequent search of Southern Investigations' offices by the Hampshire/Police Complaints Authority Investigation, on 31 January 1989, and the entry was identified.

701. There is no suggestion from anything the Panel has seen that West Yorkshire Police were intending to investigate allegations of corruption in Malta. In interview with the Panel, David Bray stated that in his view the Maltese Police were not corrupt, but that Customs were, and he made reference to the passports handed to the Customs Officer to support his assertion.[1196]

702. Other witnesses provided evidence that, on his return to the UK, Daniel Morgan had remarked about the level of corruption he had witnessed in Malta, although little or no detail was provided. Daniel Morgan's wife, Iris Morgan, told police that after he returned he told her that:

> *'he couldn't believe the amount of corruption over there and wouldn't want to go back there again. I think he was shocked by the corruption and I don't think he was threatened.'*[1197]

703. Malcolm Webb, a colleague of Daniel Morgan, made a statement in which he said that when Daniel Morgan came back from Malta:

> *'he just kept on about how bent and corrupt the Maltese police, customs and people were. He mentioned a bloke* [Person C22] *who was a bit of a cool customer out there who had a thing going on out there and that no one could touch him, he didn't say that he had been threatened or anything out there.'*[1198]

1191 Witness statement of David Bray, MPS010156001, p4, 18 March 1987.
1192 Witness statement of David Bray, MPS010156001, p5, 18 March 1987.
1193 Witness statement of David Bray, MPS010156001, pp5-6, 18 March 1987.
1194 Witness statement of a client of Daniel Morgan, MPS010636001, p3, 10 April 1987.
1195 Witness statement of David Bray, MPS010156001, p7, 18 March 1987.
1196 Panel interview with David Bray on 27 March 2018.
1197 Witness statement of Iris Morgan, MPS010373001, p16, 17 March 1987.
1198 Witness statement of Malcolm Webb, MPS010327001, pp10-11, 20 March 1987.

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7.1.2 The West Yorkshire Police officers' visit to the Morgan One Investigation

704. Having been told that Daniel Morgan had been murdered, DS Peter Mann of West Yorkshire Police informed DS Christopher Horne of their investigation and its link with the recovery of the Range Rover, and gave him the names of Irving Markson, Person C22, Terence Sansom (who was believed to be linked to notorious London criminals, the Krays)[1199] and four other suspects, one of whom was stated to be a drug dealer, another to have London connections and another to be an American with European connections. They told DS Horne that the suspects in their investigation were also of interest to detectives of the Number 6 Regional Crime Squad based in Brighton.[1200]

705. The police message recording the information provided by DS Peter Mann to DS Christopher Horne was not processed until 17 March, and there is no evidence that anything was done with the content before that date. However, on 17 and 18 March, nine investigative actions were directed as a result of it. Seven of these were to carry out research on the persons named by the West Yorkshire Police officers, one to contact the finance company, and the last to contact detectives at Number 6 Regional Crime Squad, Brighton (see paragraph 734 below).

706. The six-day delay in registering the fact that West Yorkshire Police were carrying out a major fraud investigation involving organised criminals with links to London, an investigation to which Daniel Morgan was connected, and the lack of urgency in following up the information even after it had been registered, was unacceptable. Although there may be some delays in a busy incident room in the early stages of an investigation, the fact that Daniel Morgan was to have been interviewed by police officers the day after he was murdered should have led to a prompt response, given the possibility that his death and the proposed interview could have been connected. That there was no such prompt response was a serious failing of the Morgan One Investigation.

707. DS Peter Mann took a statement from David Bray in relation to Malta on 11 March 1987 and, on 24 March, sent a copy of it to the Morgan One incident room, together with a report which stated that '[a]*t this time there does not appear to be any evidence to suggest that MORGAN's murder is connected with this fraud enquiry'.*[1201] It is not clear to the Panel what enquiries, if any, DS Mann had made to enable him to come to that conclusion. DS Mann maintained this stance in 1989, when he was contacted by a member of the Hampshire/Police Complaints Authority Investigation.[1202] When interviewed by the Panel, former DS Mann was unable to remember any detail that would assist the Panel in its work.[1203]

1199 Panel interview with former Detective Constable from West Yorkshire Police, 24 November 2015.
1200 M71 from DS Peter Mann, West Yorkshire Police, to Morgan One incident room, MPS012131001, 11 March 1987.
1201 Report from DS Peter Mann, West Yorkshire Police, MPS011163001, p2, 24 March 1987.
1202 Hampshire/Police Complaints Authority Investigation report R68P by DI Rex Carpenter, MPS022389001, 03 April 1989.
1203 Interview of former DS Peter Mann, West Yorkshire Police, with members of the Panel on 16 March 2016.

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7.1.3 Reported threats to Daniel Morgan linked to the Malta trip

708. While both David Bray and Iris Morgan's evidence suggest that nothing untoward had occurred in Malta, there is evidence from a number of witnesses that, both before and after the trip, Daniel Morgan had been subjected to a number of threats or had encountered problems connected to it. Most of this evidence was in the possession of the Morgan One Investigation very shortly after the murder:

i. In his statement of 11 March 1987 Jonathan Rees claimed that '*Daniel did mention to me on his return that he had received serious threats whilst in Malta from some person with whom he had dealings who travels regularly from Malta to England*'.[1204]

ii. On 13 March 1987 an acquaintance of Daniel Morgan made a statement in which he said, '*I recall that back in January of this year* [Daniel] *mentioned in a telephone conversation we had that he was going to Malta to repossess a Range Rover and that prior to him leaving the country he'd had a threatening call to the effect that he'd "be had for it"* '.[1205]

iii. On 17 March 1987, DS Alec Leighton, a Metropolitan Police officer who was one of a number of officers known to Jonathan Rees and Daniel Morgan, informed the Morgan One Investigation that on 24 February Daniel Morgan had told him that he had encountered a number of problems in relation to the trip:

'[W]*hilst engaged on his enquiry in Malta, he had come up against someone who had caused him lots of problems and had threatened him. The person who he mentioned and in fact named, had not threatened MORGAN directly but the threats had been offered via third persons. Danny indicated that this man was the local gangster – and of Mafia proportions. However, Danny was prone to excitement and exaggeration and often you used to take what he said "with a pinch of salt". Danny did say that in a couple of weeks the Maltese man was coming to England to carry out some more business with the cars and he was expecting trouble again. Probably just to appease him I told him that if he had the slightest bit of aggravation that he was to contact me*.'

DS Leighton went on to say that he heard nothing further from Daniel Morgan and did not see him again after 24 February 1987.[1206]

DS Leighton did not record the name of the person who had made the threats in his statement, and it does not appear to have been recorded anywhere else. In a later statement he said '*he* [Daniel Morgan] *indicated that threats had been made on his life but that the threats had been confined to his time in Malta and had not been made before then or since his return*'.[1207]

1204 Witness statement of Jonathan Rees, MPS021752001, p11.
1205 Witness statement of owner of Ashdown Investigations, MPS016575001, p2.
1206 Witness statement of DS Alec Leighton, MPS015990001, pp2-3, 17 March 1987.
1207 Witness statement of DS Alec Leighton, MPS028057001, 21 June 1988.

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There is no evidence that any action was taken to identify the man to whom DS Alec Leighton referred in his statement as having allegedly threatened Daniel Morgan in Malta, despite the fact that he said that Daniel Morgan had named the man. There is no evidence to demonstrate that DS Leighton was asked about the identity of this individual. As an experienced police officer, it would have been expected that he would have recorded this fact in his statement, as it would have been obvious that it was relevant.

iv. On 23 March 1987, Peter Newby, the Southern Investigations Office Manager, said in a statement:

'*The only other time that I was aware that Danny may have been threatened was shortly after he returned from his trip to Malta* [....] *I walked into the office* [...] *one morning and I heard him slam the phone down. His face looked white. It often went like this if he was worried or tired. I asked him what was wrong. He said "I've just had a phone call about that job in Malta." I said, "What sort of phone call." I think his words were, "A bit heavy." With that he got up, said he'd be back and walked out.*'[1208]

v. On 24 March 1987, a client of Southern Investigations said in a statement that, on 10 March 1987, he had had lunch with Daniel Morgan and then a meeting at the client's office in order to draw up a number of distress warrants in connection with civil court proceedings. During conversation, Daniel Morgan mentioned the trip to Malta and said, '*that he'd had trouble getting off the island*'.[1209] It is not clear in the statement or elsewhere what kind of *'trouble'* Daniel Morgan had been referring to here. It may have been simply a reference to the issues encountered when leaving.

vi. On 05 June 1987, a police officer from Dumfries and Galloway Constabulary, acting on behalf of the Morgan One Investigation, took a witness statement from a former employee of Daniel Morgan.[1210] Dumfries and Galloway Police had been asked simply to obtain details of the man's '*dealings with MORGAN or Southern Investigations*'.[1211] In his statement the witness said that, although he could not think of anyone who would have wanted to kill Daniel Morgan, he believed that he had repossessed a car in Malta and had also previously been involved in a case relating to a Soho club, the owner of which '*fell out with some of the local Maltese community'.*[1212] The officer who took the statement subsequently reported that '[a]*lthough* [the witness] *couldn't provide me with any form of evidence, he is of the opinion that MORGAN has had dealings with a number of the Maltese community both in London and back in Malta, which would have given them cause to dislike him to say the least*'.[1213]

1208 Witness statement of Peter Newby, MPS010344001, p12, 23 March 1987.
1209 Witness statement of a client of Southern Investigations, MPS010461001, p2, 24 March 1987.
1210 Witness statement of former employee of DJM Investigations, MPS010702001, 05 June 1987.
1211 Report from Dumfries and Galloway Constabulary re. a former employee of DJM Investigations, MPS011324001, p3, 15 May 1987.
1212 Witness statement of the former employee of DJM Investigations, MPS010702001, 05 June 1987.
1213 Witness statement of a Detective Constable from Dumfries and Galloway Constabulary, MPS010703001, undated.

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709. Having received the witness statement and a report from Dumfries and Galloway Constabulary, in which reference was made to Daniel Morgan's trip to Malta and apparent contacts with members of the Maltese community living in London, the Morgan One Investigation should have made further enquiries of the witness in order to establish exactly what he knew.

710. Two other items of information received in the Morgan One Investigation incident room concerning alleged threats against Daniel Morgan might also have been connected to this subject, given the reported link between at least one of the suspects in the West Yorkshire Police investigation and the Krays. On 01 June 1987, a woman contacted the incident room, as a result of which arrangements were made to meet with her. D/Supt Douglas Campbell and another officer from the investigation went to East Croydon Railway Station where the other officer spoke to the woman while D/Supt Campbell watched from a distance. She told the attending police officer that she had '*heard through the grapevine*' that Jonathan Rees was heavily involved in drug dealing and that Southern Investigations was a front for this with Charlie Kray being the '*head of the drugs ring although he was not actively involved*'. The message said that '[Daniel] *MORGAN had found out about the drugs & John REES & was going to do something & that's why he was killed*'. She also gave information concerning another, unrelated crime and some personal details about herself, although these were not sufficient for her to be identified. She told the officer that she would attempt to find out more information and would telephone her the following day, but nothing further was ever heard from her.[1214]

711. Later that same month, on 30 June 1987, a message was submitted to the incident room by DC Kinley Davies to the effect that a private investigator and former Metropolitan Police Detective Constable called Peter Wilkins had spoken with him on 14 April 1987, and had stated he had been told that some time prior to the murder, a solicitor was alleged to have remarked that '*a driver of Charlie KRAY*' had told him that '*if MORGAN "didn't keep his nose out, he'd be topped*"'.[1215] It is not clear to the Panel why it took DC Davies more than ten weeks to submit his report.

712. The solicitor was interviewed in August 1987 and made a very short, strangely worded and ambiguous statement in which he said, '[d]*ue to my profession, I have had numerous conversations with other people about possible causes for Daniel's death, but all of these were purely speculative* [...] *I can say that I have never had a conversation with anybody about a certain motive for Daniel's death.*'[1216] The statement did not in fact address the issue raised by former DC Peter Wilkins. There is no indication that a link was made between this information and that provided by the woman who contacted the incident room or that the two pieces of information were followed up in any meaningful way.

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1214 Message M277 Morgan One Investigation, MPS012337001, 01 June 1987.
1215 Message M362 Morgan One Investigation M362, MPS012422001, 30 June 1987.
1216 Witness statement of the solicitor, MPS010484001, p1, 18 August 1987.

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713. The delay by DC Kinley Davies in submitting a written report concerning information he had received ten weeks previously, about an alleged threat to Daniel Morgan's life by an associate of a notorious London criminal, was a failing on the part of DC Davies. The failure to investigate this matter further by seeking additional information from the solicitor who had made such a carefully worded statement was another failing of the Morgan One Investigation.

714. In 1989, the Hampshire/Police Complaints Authority Investigation obtained further information concerning the hypothesis that there might have been a connection between the trip to Malta and the murder of Daniel Morgan. In March 1989, a statement was taken from an employee of Southern Investigations who said that one day in mid-April 1987, she joined Jonathan Rees, Michael Goodridge and several other associates in the Victory public house. She said:

> *'We were discussing the murder in general and various theories were being put forward as to how it had happened. One of the theories was that after returning to England with the Range Roer* [sic] *from Malta, Daniel had received a telephone call* [...] *requiring [him] to hand over the packets that had been in the vehicle or there would be trouble. Daniel apparently told whoever was on the telephone to go to the Police. The telephone call was not a theory but apparently a fact. The theory was that Daniel was killed because of it. I do not know who in the group knew about the telephone call but whoever it was had obviously been told this by Daniel MORGAN. I presumed the packets referred to related to drugs.'*[1217]

7.1.4 Information provided by Person O24 and a mutual friend

715. On 13 April 1987, Person O24 had provided a witness statement in which he said that he had been informed of the murder on 12 March 1987 by a mutual friend.[1218] The mutual friend was said by Person O24 to own several garages on Albion Place, South Norwood, a location which, he said, Daniel Morgan visited regularly.[1219] For reasons that are unclear to the Panel, no steps were taken to contact or interview the mutual friend. In November 1987, Person O24 was contacted again by an officer from the Morgan One Investigation but it was reported that he had nothing to add to his April statement.[1220]

716. It was not until 2006 that the mutual friend was approached by police and interviewed. On 13 November 2006, the mutual friend told officers from the Abelard Two Investigation team that he, Person O24 and Daniel Morgan shared an interest in classic cars and on the weekend prior to Daniel Morgan's murder, all three had gone to a classic car show near Enfield. He said that he knew little of Daniel Morgan's work other than that he was a private detective, but during the weekend Daniel Morgan told him that he had uncovered some damning evidence about some members of the Metropolitan Police. The information was so serious that he could not go to the Metropolitan Police about it and so had made contact with another police force. The mutual friend could not remember which force had been named but said that '*West Midlands*'

1217 Witness statement of an employee of Southern Investigations, IPC000343001, 09 March 1989.
1218 Witness statement of Person O24, MPS010599001, p6, 13 April 1987.
1219 Witness statement of Person O24, MPS010599001, pp1-2, 13 April 1987.
1220 Action A1452, *'Ring Person O24 … ask him if he can recollect anything further ..'*, MPS014515001, 24 November 1987.

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came to mind, and he believed that arrangements had been made for Daniel Morgan to meet officers from that force the week that he was murdered. Daniel Morgan did not tell him what the evidence was.[1221]

717. The Morgan One Investigation did not trace the mutual friend, despite being aware of his existence. This resulted in a failure to obtain evidence which may have linked information Daniel Morgan allegedly had about police misconduct, to the West Yorkshire investigation.

718. It is not unreasonable to assume that Daniel Morgan may have said 'West Yorkshire Police' rather than 'West Midlands Police'. It is also reasonable to believe that had the Morgan One Investigation spoken with the mutual friend in 1987, a possible connection between his evidence and the West Yorkshire investigation would have been made. This was a missed opportunity.

7.1.5 Action by D/Supt Campbell and the Morgan One Investigation

719. Despite all the evidence received in March 1987, the Malta line of enquiry was not prioritised. It was not until after the arrests of Jonathan Rees, DS Sidney Fillery and others on 03 April 1987, that the investigation of the West Yorkshire suspects, directed on 17 March 1987, actually occurred, and not until July 1987 that initial contact was made with the Number 6 Regional Crime Squad in Brighton.[1222] (See paragraph 734 below.)

720. On 08 April 1987, D/Supt Douglas Campbell telephoned a Detective Inspector in the Metropolitan Police Drugs and Illegal Immigration Intelligence Unit and asked whether Malta was known to be a drugs transit area. He was told that it was not. He also asked for the files to be checked to establish if either Daniel Morgan or Person C22 were known. The Detective Inspector later telephoned the incident room and replied that they were not but asked whether he should make further enquiries with his contacts in the Maltese Police. DI Allan Jones endorsed the record '*None at this stage*'.[1223]

721. It is unclear to the Panel what prompted D/Supt Douglas Campbell himself to make this enquiry – such enquiries might more usually be done by a junior officer – and why he restricted the checking of the intelligence records to only Daniel Morgan and Person C22. However, an explanation for the timing and content of the call may be found in a conversation D/Supt Campbell had had with Jonathan Rees on 04 April 1987.

7.1.6 The interview of Jonathan Rees on 04 April 1987

722. Jonathan Rees had been arrested on suspicion of Daniel Morgan's murder on 03 April 1987 and had been interviewed under caution in the presence of his solicitor by D/Supt Douglas Campbell that day. Towards the end of the interviews, when asked if he had any information

1221 Message M328, Abelard 2 Investigation, MPS068574001, 14 November 2006.
1222 See, for example, A239, MPS005173001, 07 April 1987; and A242, MPS083125001, 16 April 1987.
1223 Message M154 Morgan One Investigation, MPS012214001, 08 April 1987.

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that could be relevant to the murder, Jonathan Rees said, '[t]*he only thing that I'm not content with is Daniel's connection with Malta and David BRAY. I am willing to discuss this matter further informally.*'[1224]

723. The following morning, at 10.55am, D/Supt Douglas Campbell again interviewed Jonathan Rees. In a statement made in 1991 in connection with civil proceedings, D/Supt Campbell stated:

> *'There was no solicitor present and no notes were taken. This was at his request because we were dealing with what he had said to me the previous night about Danny MORGAN's connection with Malta and David Bray. The interview lasted until about midday* [...]. *'*[1225]

724. No further information was given about the substance of what Jonathan Rees said, and the Panel has been unable to find any record of, or any other reference to what was said by Jonathan Rees during this interview.

725. While it is not uncommon for suspects in custody or otherwise to ask to speak to police officers 'off the record' and therefore no contemporaneous note is taken, the proper practice is for a record to be made as soon as possible afterwards.[1226] In this case – whether or not Jonathan Rees had provided any useful information – he should have been cautioned at the outset of the interview and a written record should have been submitted by D/Supt Douglas Campbell to the incident room and processed in accordance with standard administrative procedures. The fact that this was not done is a failing on his part.

Following the informal interview with Jonathan Rees on 04 April 1987, during which Daniel Morgan's trip to Malta was discussed, D/Supt Douglas Campbell's failure to make a written record of what had been said was a breach of the Police and Criminal Evidence Act 1984 Code of Practice C.

726. The following month, D/Supt Douglas Campbell instructed that the Range Rover which had been recovered by Daniel Morgan should be searched in order to establish if it contained any sealed compartments that might be used to conceal drugs. He recorded that the reason for this was that the removal of the vehicle from Malta may have provided '*an opportunist a chance to smuggle drugs or other contraband* [...] *unbeknown to MORGAN or BRAY*'.[1227] The vehicle was traced to an address in Brighton, and Sussex Police officers took it to a police station and stripped it down but were not able to find any such compartments.[1228] Again, it is not clear to the Panel what specific information prompted this action, nor its timing.

1224 Record of interview with William Jonathan Rees, MPS015316001, p95, 03 April 1987.
1225 Witness statement of D/Supt Douglas Campbell, MPS037217001, p19, 09 September 1995.
1226 Police and Criminal Evidence Act 1984, Code of Practice C, 1985, para 11.5(b), *'The record must be made during the course of the interview, unless in the investigating officer's view this would not be practicable or would interfere with the conduct of the interview, and must constitute either a verbatim record of what has been said or, failing this, an account of the interview which adequately and accurately summarises it.'*. Para 11.7 *'If an interview record is not made during the course of the interview it must be made as soon as practicable after its completion.'*
1227 Registry docket report by D/Supt Douglas Campbell, MPS008491001, p4, undated.
1228 Action A783 Morgan One Investigation, MPS013846001, 29 May 1987.

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727. In an email reply to a written question from the Panel, former D/Supt Douglas Campbell stated that while he did recall the fact of the trip to Malta, he was unable to remember any of the detail or the West Yorkshire involvement.[1229]

7.1.7 Information given to the Panel by former members of the West Yorkshire Police

728. The Panel interviewed former DCS Trevor Brading, who as a Detective Constable and Detective Sergeant in 1985 and 1987 had been a member of the West Yorkshire Police investigation into the fraud involving Irving Markson and others. He stated that Irving Markson had been based in Leeds but was originally from London and maintained links to his family and criminal associates there and in the South East of England, including Terence Sanson.[1230]

729. During the period of the West Yorkshire investigation prior to Daniel Morgan's visit to Malta in February 1987, Irving Markson, knowing that he was under investigation, had fled the UK with about £500,000 in cash and a BMW car, as well as with the Range Rover.

730. Irving Markson was subsequently deported from Malta and, on his return to the UK, he was arrested and charged by the West Yorkshire investigation. Prior to his arrest, the West Yorkshire investigation carried out a series of coordinated searches at premises in Leeds and London, including at a solicitor's offices on Oxford Street in London.[1231] Former DCS Trevor Brading said that they had not told local Metropolitan Police officers of their intentions and were therefore surprised when, ten or fifteen minutes after they had commenced their search, two Metropolitan Police detectives turned up offering to assist. Former DCS Brading told the Panel that he believed that the solicitor was corrupt and had telephoned contacts in the local Criminal Investigation Department (CID) when the West Yorkshire Police officers arrived.[1232]

731. Former DCS Trevor Brading also told the Panel that he believed at the time that, as well as being involved in the fraud, Irving Markson and his associates were also involved in drug-trafficking. The intelligence the West Yorkshire investigation team had had was that cannabis was being brought out of North Africa by fast boat to Gozo, Malta, and from there smuggled by car ferry to Sicily and through Europe to the UK. He also stated that after he had seen the *Crimewatch* programme concerning Daniel Morgan's murder, during which the two Mediterranean looking men who were allegedly seen looking into the Golden Lion public house on the night of the murder were mentioned (see paragraph 383iv above), he telephoned the Morgan One Investigation to ensure that a connection was made between Malta, Gozo, drug-trafficking and the two men.[1233] The Panel has been unable to find any record of this telephone call in the Morgan One papers. However, an investigative action on 24 April 1987, the day after the *Crimewatch* broadcast, directed that enquiries be made '*at Regan's' Wine Bar for two Maltese types*'.[1234]

7.1.8 Investigative steps directed on 17 and 18 March 1987 and subsequent activity

732. The outcomes of the investigative actions which were raised on 17 and 18 March (only one of which was completed fully), and others which were raised later, all provided abundant evidence to support the alleged links between the West Yorkshire suspects and organised crime in London.

1229 Email from former D/Supt Douglas Campbell to the Panel, 27 February 2016.
1230 Panel interview of former DCS Trevor Brading, 22 February 2016.
1231 Panel interview with former DCS Trevor Brading, 22 February 2016.
1232 Panel interview with former DCS Trevor Brading, 22 February 2016.
1233 Panel interview with former-DCS Trevor Brading, 22 February 2016.
1234 Action A699 Morgan One Investigation, MPS013762001.

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733. The 17 and 18 March investigative actions were:

i. To obtain a statement from the finance company which had engaged Daniel Morgan to go to Malta.[1235] The statement was obtained on 10 April 1987 on behalf of the Metropolitan Police.[1236] This was the only fully completed action.

ii. To research Person C22.[1237] Following a request by the Morgan One Investigation, via Interpol, Person C22 was interviewed by the Maltese Police on 28 April 1987. A very brief report received from the police in Malta confirmed little more than that he had met with Daniel Morgan and that he had stored the Range Rover on behalf of Irving Markson. However, there is no indication that he was asked if he had travelled to the UK since his dealings with Daniel Morgan, nor about his movements on 10 March, and no physical description of him was obtained.[1238] He was never interviewed by detectives from the Morgan One Investigation.

iii. To research an individual who the West Yorkshire Police officers had said was a drug dealer.[1239] This fact was not recorded as part of the information for the officer conducting the research. It was recorded that local intelligence records were checked that showed links between Irving Markson, and the alleged drug dealer and a car dealership in North London. The West Yorkshire officers linked the car dealers to Terence Sansom.

iv. To research an individual who was a US citizen. The original message from the West Yorkshire officers stated that they held a copy of his FBI file. The Morgan One Investigation recorded simply that arrangements had been made for enquiries to be made at the American Embassy, and that a check with the Metropolitian Police Criminal Intelligence Bureau had produced an address for him in the United States.[1240] There is no indication in the records available to the Panel that a copy of the FBI file was obtained, or that enquiries were in fact made with the American Embassy, or that any further research was done on him.

v. To create a file in respect of Irving Markson (spelled at various times as Irvin Markson). This was done. It was established that Irving Markson lived in Central London and had been charged with the theft of the Range Rover recovered by Daniel Morgan from Malta. He was the subject of enquiries by a Detective Chief Inspector from the Metropolitan Police at Streatham.[1241] Irving Markson was linked through entries in his telephone book to others being investigated by West Yorkshire Police in the fraud case. He was one of those ultimately convicted following the West Yorkshire fraud investigation.[1242]

Irving Markson answered bail in North London at 5.30 pm on the day that Daniel Morgan was murdered.[1243] DS Christopher Horne reported that a copy of the bail record was being sent to the Morgan One Investigation. There is no copy of that bail report among the documents received by the Panel.

1235 Action A234 Morgan One Investigation, MPS013297001, 18 March 1987.
1236 Witness statement of client of Daniel Morgan, MPS010636001, 10 April 1987.
1237 Action A235 Morgan One Investigation, MPS013298001, 18 March 1987.
1238 Interpol Report, MPS011323001, 29 May 1987.
1239 Action A236 Morgan One Investigation, MPS013299001, 18 March 1987.
1240 Action A238 Morgan One Investigation, MPS013301001, 18 March 1987.
1241 Action A239 to research and make up a docket on Irving Markson, MPS005173001, 18 March 1987.
1242 Action A239 Morgan One Investigation, MPS013302001, 18 March 1987.
1243 Action A239 Morgan One Investigation, MPS013302001, p1, 07 April 1987.

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At the beginning of June 1987, it was directed that Irving Markson should be interviewed about his knowledge of Daniel Morgan, but this was never done, and on 07 January 1988 it was marked *'NFA'*[1244] on the instructions of D/Supt Douglas Campbell. There is nothing in the papers available to the Panel to explain this.[1245]

There is no evidence that Irving Markson, or any of the other suspects being investigated by West Yorkshire Police in connection with the fraud and the vehicle recovered by Daniel Morgan from Malta, were interviewed about any knowledge they may have had of events leading up to his murder. Attempts should have been made to trace and interview them, to see if they could have been eliminated from the enquiries.

vi. To research Terence Sansom (spelled at various times as 'SAMPSON' or as 'Michael TERRANCE').[1246] It was established that he was considered a '*target*'[1247] by the Metropolitan Police Criminal Intelligence Bureau (CIB). He was reported to be a man of violence, having a previous conviction for affray and for possessing a firearm when prohibited because of his criminal record.

Further information about Terence Sansom

In 1989, during the period when the Hampshire/Police Complaints Authority Investigation was ongoing, Terence Sansom was arrested and charged by HM Customs & Excise in Southampton *'with a multi-million pound drug importation job'.* DS Peter Mann from the West Yorkshire Police investigation team recommended at that time that, if Hampshire officers wished to investigate potential links between Daniel Morgan's death and the Malta trip, they take the opportunity to interview Irving Markson, *'especially as SANSOM, whom MARKSON is supposed to be in fear of, is now in custody'.*[1248] It was directed that this should be done. This did not happen.[1249]

The Panel interviewed one of the West Yorkshire detectives who stated that Terence Sansom was of interest to the Number 6 Regional Crime Squad because he was suspected of involvement in police corruption. He was said to *'have senior police officers in his pocket'.*[1250] In his interview with the Panel an intelligence officer of Number 6 Regional Crime Squad confirmed this and said that during Operation Switzerland (see Section 7.1.9) there was a great deal of nervousness about leaks and the possibility that the targets would become aware of the fact that they were being investigated, to the extent that he was told that no information was to be passed to the Metropolitan Police Criminal Intelligence Bureau .[1251]

1244 No further action.
1245 Action A788 Morgan One Investigation, MPS083125001.
1246 Action A237 Morgan One Investigation, MPS013300001, 18 March 1987.
1247 A target in this instance was somebody of interest to police because of their suspected criminal activities.
1248 Officers report R68P Hampshire/PCA Investigation R68P, MPS018866001, p2, 03 April 1989.
1249 Action A718 Hampshire/PCA Investigation, MPS032804001.
1250 Panel Interview of former Detective Constable from West Yorkshire Police, 24 November 2015.
1251 Panel Interview of former the Detective Constable at Number 6 Regional Crime Squad (Brighton), 26 January 2016.

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Terence Sansom was suspected of having been involved in the 1963 Great Train Robbery. His name was on a list of suspects compiled by police and released from Royal Mail archives just before the fiftieth anniversary of the robbery in 2012.[1252]

vii. To research Person Z10. On 13 April 1987, the Morgan One Investigation identified Person Z10 and confirmed that he was an associate of Irving Markson and also of interest to HM Customs & Excise.[1253] It was stated that arrangements had been made for the Customs Officer concerned to contact the investigation but there is no record of him ever having done so, or if he did, of any information he imparted. It was also recorded that in 1976 a very similar name, differently spelled from that of Person Z10, had been charged with keeping a brothel, living off the earnings of prostitution and allowing premises to be used for gaming.[1254] There were inconsistencies in the spelling of Person Z10's first name during the Morgan One Investigation.

Further information relating to Person Z10 and Person R16

The Morgan One Investigation failed to make a connection between Person Z10 and Person R16, also known by an alias (who was identified by the Panel from the papers available to it) and who had been convicted in 1984 for assaulting Daniel Morgan, occasioning him actual bodily harm, and assaulting a police officer in the same incident. Person R16's criminal record was obtained by the Morgan One Investigation. It showed that, in January 1984, he had been convicted of the assaults on Daniel Morgan and the police officer, arising out of an incident in May 1983 when Daniel Morgan was attempting to serve an eviction notice on him. He was given a conditional discharge. However, his criminal record shows that he was a violent man with previous convictions for demanding money with menaces and wounding with intent to cause grievous bodily harm, including by stabbing someone in the face with broken glass.[1255] The papers available to the Panel indicate that Person R16 could have been the father of Person Z10 or may have been otherwise related to him.[1256]

A witness who gave evidence of the threat allegedly made against Daniel Morgan, before he undertook the trip to Malta, also said that Daniel Morgan had been threatened with a knife two or three years earlier by a man sharing the same surname as Person R16 when he was attempting to serve some legal documents in East Dulwich. The witness said that, at the time, the incident '*really worried*' Daniel Morgan.[1257]

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1252 *'Hove man was Great Train Robbery suspect'*, www.thelatest.co.uk, 6 February 2012.
1253 Action A239 Morgan One Investigation, MPS013303001, 17 March 1987.
1254 Document D126, *'Fische + copy printout* [Person Z10]', MPS011194001, p6, 08 January 1977.
1255 Fiche and print out for Person R16, MPS011390001, undated.
1256 Fiche and print out for Person R16, MPS011390001, undated.
1257 Witness statement of former business associate of Daniel Morgan, MPS010234001, pp2-3, 13 March 1987.

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On reading the statement, D/Supt Douglas Campbell instructed that Person R16 should be interviewed. DS Christopher Horne later reported that an address had been checked for Person R16 but that the premises had been unoccupied and further enquiries were in hand to trace him. It is not clear what these enquiries were, but if they were carried out, they were unsuccessful. He was not interviewed by the Morgan One Investigation and on 08 January 1988 the instruction was marked *'NFA'.*[1258,1259]

While there is no conclusive proof that Person Z10 and Person R16 were related, research by the Panel of the information contained in the Morgan One Investigation papers suggests that, given their ages, places of residence, antecedents and their common surname, it is possible that they were related.

The Morgan One Investigation should have identified the link between Person Z10 and a man who was possibly a close relative of his, Person R16, who had been convicted of assaulting Daniel Morgan and who was already the subject of enquiries in connection with the West Yorkshire fraud investigation. They should then have conducted further enquiries.

viii. To research Person V7. It was reported that he was wanted for failing to appear at Knightsbridge Crown Court on 16 May 1986 in connection with a charge of possession of drugs with intent to supply.[1260] He was stated to have been born in Gozo, Malta, to own a large house in London and to be the manager of '*various West End clubs of a dubious nature'* and the director of several companies, including a property company that owned a number of premises in Soho that were operated as sex shops.[1261]

7.1.9 Operation Switzerland

734. On 18 March 1987 DS Christopher Horne was directed to contact Number 6 Regional Crime Squad, who were interested in the West Yorkshire investigation, and speak with a Detective Constable to ask if he could assist the Morgan One Investigation. On 16 April 1987, an attempt was made to contact the Detective Constable who was said to be on leave and due back at work on 24 April 1987. Nothing further happened until the matter was reallocated to Police Officer A27 on 20 July 1987. The same day, Police Officer A27 spoke to the Detective Constable and was told that access would be granted to the 'Operation Switzerland' database, and a meeting was arranged for 27 July 1987. However, for an unstated reason, this was cancelled on 23 July 1987.[1262] On 31 July 1987, Police Officer A27 sent a telex message to Number 6 Regional Crime Squad asking for the names of 14 people including Daniel Morgan,

1258 Morgan One Investigation A611, 13 April 1987, MPS013674001.
1259 NFA indicated no further action.
1260 Action A241 Morgan One Investigation, MPS013304001, 18 March 1987.
1261 Document D127, *'Fische + copy printout ..'*, MPS011195001, p5, 06 March 1984.
1262 Action A242, Contact Detective Constable, Intelligence Officer at Number 6 Regional Crime Squad (Brighton), and see if he can assist the enquiry, MPS013305001, 18 March 1987.

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Jonathan Rees, David Bray, Garry Vian, Glenn Vian, Paul Goodridge, Irving (spelt Irvin by Police Officer A27) Markson, Person C22 and six other persons to be checked against the database held by the Regional Crime Squad.[1263]

735. Of the list of suspects provided by West Yorkshire Police, information was sought only in respect of Irving Markson and Person C22.

736. The records then show that, on 10 August 1987, the action was reallocated to DC Paul Lombard. This telex was reported on 18 August 1987, by DC Lombard, to have gone astray, and it was sent again to the Detective Constable at Number 6 Regional Crime Squad.[1264,1265] Six months later, on 23 February 1988, Number 6 Regional Crime Squad replied to the request reporting on 13 of those about whom the question was asked, saying that only Irving Markson was recorded in relation to the West Yorkshire Police fraud enquiry.[1266] There is no explanation for the delay, nor for the fact that no information was provided about one of those about whom a query had been made.[1267]

737. The Panel interviewed both DC Paul Lombard, who said he had no recollection of any dealings with Number 6 Regional Crime Squad, and the Detective Constable at Number 6 Regional Crime Squad who initially dealt with the enquiry, who said that he was not able to recall it and so was not able to account for the delay.[1268,1269]

738. There was an inexcusable failure to maintain accuracy and consistency in the spelling of names – a factor present throughout the Morgan One Investigation. This may have resulted in inaccurate, incomplete or no information being obtained in response to requests for checks of databases and thus probably contributed to preventing this line of enquiry from being completed effectively.

7.1.10 A Croydon massage parlour/brothel and possible links to the Malta enquiry

739. Daniel Morgan and Jonathan Rees had been due to give evidence at a County Court hearing on 24 March 1987. In September 1986, Daniel Morgan and Jonathan Rees had been engaged by a company to make enquiries into premises, which were believed to be being operated as a massage parlour and brothel called '*Bodyscene*', at the rear of Austin Motors, London Road, Croydon.[1270] It was run by Patricia Osborne and was under the control of George Osborne and Maria Marsh. As a result of the evidence obtained by Daniel Morgan, who had posed as a customer, and Jonathan Rees, who had kept observations on people entering and

1263 Document D475, Telex message and letter to number 6 Regional Crime Squad, MPS011588001, pp3-4, 31 July 1987.
1264 Action A242, Contact Detective Constable, Intelligence Officer at Number 6 Regional Crime Squad (Brighton), and see if he can assist the enquiry, MPS013305001, 18 March 1987.
1265 Document D475, Telex message and letter to number 6 Regional Crime Squad, MPS011588001, p5, undated.
1266 Document D475, Telex message and letter to number 6 Regional Crime Squad, MPS011588001, p2, 23 February 1988.
1267 A solicitor. (Document D475, Telex message and letter to number 6 Regional Crime Squad, MPS011588001, p4, 31 July 1987 and p2, 23 February 1988).
1268 Panel interview of former DC Paul Lombard, 29 September 2016.
1269 Panel interview of former Detective Constable at Number 6 Regional Crime Squad (Brighton), 26 January 2016.
1270 Witness statement of Daniel Morgan, MPS008197001, undated.

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leaving, the company owning the building had begun eviction proceedings.[1271] The requirement to attend court and give evidence was cancelled on 13 March 1987, three days after Daniel Morgan's murder.[1272]

740. In early 1986, there had been a fire at adjoining premises also under the control of Patricia Osborne, the wife of George Osborne, which had led to an insurance claim.[1273,1274,1275] George Osborne had previous convictions and was of interest to Number 6 Regional Crime Squad, although it is not known if this was in connection with 'Operation Switzerland' or some other matter. According to intelligence records obtained by the Morgan One Investigation, George Osborne was also an associate of Terence Sansom (see paragraph 733vi above).

741. On 14 August 1987, a Police Constable from Surrey Police received a telephone call from an anonymous caller who said he was a private detective and claimed that he was *'ex-job'* (ie, a former police officer). The caller said that he had received information that George Osborne had been involved in Daniel Morgan's murder. He said, '*Danny MORGAN was doing some job on his own, away from the firm* [Southern Investigations] *and was using a different name.* [... He] *gained some information about OSBORNE that cost OSBORNE a lot of money. OSBORNE was working with heavy people in Thornton Heath. They went to work MORGAN over but they went to* [sic] *far.'*[1276] The caller was never identified.

742. On 18 August 1987, it was reported that a former Metropolitan Police officer who was now the proprietor of premises adjacent to '*Bodyscene'* had told officers from the Morgan One Investigation that he understood that the Criminal Investigation Department (CID) at '*ZN*' (believed to be Croydon CID) were investigating allegations that George Osborne had submitted forged receipts in connection with the insurance claim made in respect of the fire. He also said that he had spoken with George Osborne about the activities at *'Bodyscene'* and told him that if they did not cease, he would report the matter to the police. Allegedly George Osborne responded that this '*wouldn't get him anywhere as he knows someone high up in the police who would help him*'.[1277] There is no evidence that any effort was made at the time by the Morgan One Investigation to contact the Criminal Investigation Department (CID) at '*ZN*'[1278] to ascertain what information they may have had about George Osborne or who he may have known in the Metropolitan Police who may have been willing to assist him.

743. On 21 October 1987, D/Supt Douglas Campbell took a statement from a representative of the insurance company which had insured the premises in London Road, Croydon. The proposal had been received from Patricia Osborne and the insurance company representative stated that at no time were there any dealings with her husband. Following the fire, the company had paid out a sum of £43,110 for the damage and an interim payment of £5,000 was agreed for business interruption. However, this latter sum was not paid because of a number of telephone calls and letters received by the official from a man calling himself 'P Westcott', and describing himself as an enquiry agent but giving no contact details. 'P Westcott' had made reference to George Osborne's criminal record and his criminal associates. The official said that 'P Westcott'

1271 D301 Morgan One Investigation, MPS011354001, undated.
1272 Photocopy of Jonathan Rees's Letts Desk Diary, MPS103877001, p1145, 13 March 1987.
1273 Witness statement, MPS010818001, 27 October 1987.
1274 Witness statement, MPS010815001, 21 October 1987.
1275 Witness statement, MPS010817001, pp3-4, 27 October 1987.
1276 Witness statement of a Police Constable from Surrey Police, MPS010734001, 14 August 1987.
1277 Message M442 Morgan One Investigation, MPS012502001, 18 August 1987.
1278 ZN was the South Norwood Metropolitan Police sector area of the London Borough of Croydon and had its own CID department.

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was clearly aware of the fire and of the fact that the first payout had been made, but was anxious that no further money be paid. The last call he had from him was the week before Daniel Morgan's murder.[1279]

744. Former D/Supt Douglas Campbell was asked by the Panel why he had taken this statement, as such a task would normally been done by a more junior officer. He replied: '*To explain my involvement in the investigation you must not view the manpower of the Mets murder investigations in 1987 with either those of the Constabularies of that time or indeed of similar investigations today*. [...] *If jobs had to be done and officers were not available they were sometimes undertaken by DI Jones or myself*. [...] *But needs must.*'[1280]

745. A police officer, who was the local 'beat' police officer for the area in which '*Bodyscene*' was situated between June 1985 and September 1986, had first notified the owners of the building that a brothel was possibly operating from it. He made a statement to the Morgan One Investigation in October 1987 in which he said that he knew both Daniel Morgan and Patricia Osborne, and that Daniel Morgan knew Patricia Osborne and had been seen drinking with her in a wine bar near the brothel. Daniel Morgan had given the police officer his Southern Investigations business card, and when he did so claimed that he was a former Criminal Investigation Department (CID) officer from Surrey Police. He said that Daniel Morgan used to approach him '*on a semi-regular basis*' in the street and either offer information or ask for checks to be carried out on individuals about whom information was held on the Police National Computer database. The officer knew Patricia Osborne because he had taken key holder[1281] details from her and saw her regularly at '*Bodyscene*'.[1282]

746. The officer was subsequently challenged by D/Supt Douglas Campbell and told that he may have been mistaken when he said that he had seen Daniel Morgan in the wine bar. However, he made a second statement in which he maintained that he knew both people and had seen them there.[1283]

747. On 25 November 1987, officers from the Morgan One Investigation spoke with Patricia Osborne, but she declined to make a statement unless she could do so in the presence of her husband. George Osborne told the officers that he had been advised by his solicitor not to make a statement because of a forthcoming High Court action relating to the insurance claim in respect of '*Bodyscene*'.[1284] It was therefore not until 01 April 1988 that George and Patricia Osborne were interviewed together, in the presence of their solicitor at their solicitor's office. They were not cautioned but were asked questions about '*Bodyscene*', the insurance claim for the fire, and the anonymous allegation made to the Police Constable from Surrey Police. They denied having dealings with Daniel Morgan, Jonathan Rees or Southern Investigations. They denied any knowledge of the murder. They denied knowing who had made telephone calls alleging that they should not be paid insurance moneys in respect of the fire at their premises or who had said that they had been involved in the murder of Daniel Morgan.[1285]

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1279 Witness statement, MPS010815001, 21 October 1987.
1280 Email from former D/Supt Douglas Campbell to the Panel, 27 February 2016.
1281 A keyholder is a person who is entrusted with keeping a key to commercial or industrial premises.
1282 Witness statement, MPS010817001, 27 October 1987.
1283 Witness statement, MPS016974001, 25 December 1987 (possibly 25 November 1987).
1284 Message M615 Morgan One Investigation, MPS012675001, 25 November 1987.
1285 Transcript of interview of George and Patricia Osborne, MPS010900001, 01 April 1988.

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748. While there may have been good reasons why the interview of George and Patricia Osborne took more than seven months to be carried out, it is not clear to the Panel why it took more than three months for initial contact to be made with them. Furthermore, while the mere fact of an anonymous telephone call was insufficient to provide enough reasonable suspicion to arrest George Osborne, it is not clear to the Panel why he was not cautioned before questions were put to him.

749. From the papers available to the Panel, it appears that few steps were taken to further investigate the information received from the Police Constable from Surrey Police before or after the interviews of George and Patricia Osborne. Despite the criminal record and local intelligence records in respect of George Osborne being obtained, in which it was noted that he was both an associate of Terence Sansom and of interest to a Detective Inspector at Number 6 Regional Crime Squad, there is no evidence that the connection was made between these facts and the West Yorkshire Police investigation and no enquiries were made with the Regional Crime Squad.

750. The information received by the Police Constable from Surrey Police to the effect that George Osborne, who was a known associate of Terence Sansom, had been involved in Daniel Morgan's murder should have been subject of further investigation and that contact with him should have taken place sooner than over three months after it had been received.

751. Had thorough investigation been carried out of the information in the possession of the Morgan One Investigation about George Osborne, links should have been revealed between him and those under investigation by West Yorkshire Police.

752. At the beginning of March 1988, DI Allan Jones met a prostitute who told him that she had previously worked at '*Bodyscene*', the brothel operated by Patricia Osborne. She said that she had been controlled by George Osborne and a woman she named as Maria Marsh.[1286] Later that day she telephoned the incident room and said that another woman, who also worked as a prostitute at '*Bodyscene*', had just told her that '*if anyone was responsible for MORGAN's death it would probably concern a man called Alf who was concerned with Maria* [Marsh] *in the importation of drugs into the country*'.[1287]

753. On 02 March 1988, DI Allan Jones was instructed to go to the offices of Number 6 Regional Crime Squad in Brighton to seek information about Maria Marsh.[1288] On 17 March 1988, he did so and returned with a copy of an intelligence report relating to her, which had been sent from Sussex Police to Number 6 Regional Crime Squad, who also had an interest

1286 Message M773 Morgan One Investigation M773, MPS012833001, 04 March 1988.
1287 Message M774, Morgan One Investigation, MPS012834001, 04 March 1988.
1288 Action A1615 Morgan One Investigation, MPS014678001, 02 March 1988.

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in her. The nature of that interest is not known. DI Jones also returned with copies of other documents, including extracts from Irving Markson's diary and telephone book, and a copy of the Number 6 Regional Crime Squad intelligence card relating to the Range Rover.[1289]

754. While the assumption must be that the impetus for this action was DI Allan Jones's meeting with the prostitute, there is no audit trail indicating what prompted it. Nor is there any evidence that any other enquiries were made to identify the man called '*Alf*', named as possibly involved in Daniel Morgan's murder. The Panel has noted that Dr Alfred Greech was one of those who had been said to have been connected to Irving Markson (see paragraph 733v above). The Panel therefore sought clarification from former DI Jones. However, in an interview with the Panel, he stated that, although he remembered there being a line of enquiry involving Malta and a Range Rover, he was unable to remember any detail.[1290]

755. There should have been further investigation of the information provided by the prostitute that a man called '*Alf*' might have been concerned in Daniel Morgan's murder, given the link to a person with the same forename linked to suspects in the West Yorkshire investigation.

7.1.11 The Panel's efforts to access the West Yorkshire and 'Operation Switzerland' databases

756. The Panel sought access to the West Yorkshire Police HOLMES database[1291] in respect of the fraud investigation with a view to researching it for links to Daniel Morgan's murder which may not have been identified or passed on at the time. Unfortunately, only the original reel-to-reel magnetic tape remained and despite the best efforts of West Yorkshire Police and of the Panel's staff, it proved impossible to find a way of converting it into an accessible format for searching by current IT systems.

757. Similarly, the Panel also sought to access the 'Operation Switzerland' database and files, and a search of the archives for them was carried out on its behalf by the National Crime Agency, the successor organisation to the Regional Crime Squads. Unfortunately, no trace could be found.

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1289 D498 Morgan One Investigation, Correspondence from 6RCS – Markson's telephone book & correspondence re. Marsh, MPS011612001, undated.
1290 Panel Interview of former DI Allan Jones, p2, 08 June 2016.
1291 Home Office Large Major Enquiry System: HOLMES is a computerised database designed to support the police investigation of major crimes.

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758. The line of enquiry arising out of the trip to Malta was clearly a very important one and a link to possible drug smuggling would have provided a credible motive for Daniel Morgan's killing. Given the fact that it involved an organised crime group with links to suspected police corruption, that another police force and a regional crime squad were already carrying out major investigations into the organised crime group, that Daniel Morgan was a witness in one of those investigations, that he was reportedly linked indirectly to several of the suspects in those investigations and that there was also an international aspect to the matter, it demanded a sustained and coordinated approach. Instead, it was dealt with in an incoherent and piecemeal way which did not reflect the possible significance of the issues under investigation.

759. Some potential lines of inquiry were not dealt with at all, others were not completed, without explanation or apparent reason being recorded, or were only partially completed; and there was inexplicable delay and a lack of consistency and strategy in dealing with the issue as a whole. The inevitable outcome is that the matter remains unresolved and the circumstances surrounding the Malta trip can neither be ruled in nor ruled out as a factor in Daniel Morgan's murder. This was another serious failing of the Morgan One Investigation.

7.2 Information that Daniel Morgan was going to reveal details of police corruption to newspapers

760. On 12 March 1987, a message was received from journalist Sylvia Jones of the *Daily Mirror*. This stated that Daniel Morgan used to deal with the press a great deal, and that Daniel Morgan had previously been in business with Bryan Madagan but that after an acrimonious split, Daniel Morgan had tried to get the *Daily Mirror* to '*"do a dirty" piece*' on Bryan Madagan, and that '*Madagan always swore revenge*'.[1292]

761. On 15 March 1987, DS Christopher Horne was told by DS Malcolm Davidson to take a statement from Sylvia Jones. Sylvia Jones was not spoken to until 28 May 1987.[1293]

762. On 21 May 1987, Anthony Pearce of Southern Investigations informed the Morgan One Investigation that Bryan Madagan of BE Madagan & Co, for whom Daniel Morgan had previously worked, had told him the previous day that:

> *'he had received information from a local police officer that there were Police officers engaged in illegal activities. Daniel MORGAN also had the same information and related to him illegal police activities and he was going to the Sunday newspapers with the knowledge and was to obtain a substantial sum of money from the newspaper.'*[1294]

763. Anthony Pearce also stated that he had told Peter Newby about this on the same day.[1295]

1292 Message M53, from the Metropolitan Police Press Officer, MPS012112001, p1, 12 March 1987.
1293 Action A189 Obtain statement from Sylvia Jones, MPS013252001, allocated 15 March 1987.
1294 Witness statement of Anthony Pearce, MPS010463001, 21 May 1987.
1295 Witness statement of Anthony Pearce, MPS010463001, 21 May 1987.

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764. On 22 May 1987, Bryan Madagan gave a statement relating to information which he had passed to Anthony Pearce on 20 May 1987.[1296] He said that, before Christmas 1986, Daniel Morgan had told him that, '*he was going to "hit the jackpot"* ' and that '*he had been in contact with a Sunday Newspaper who had offered him a sum in the region of £250,000 for an exposé on his business – client relationship with regard to how he obtained his information*'. He continued, '[h]*e didn't elaborate on this but I drew the inference and I don't think unnaturally that he meant his dealings with Police Officers*'. He did not make any reference to learning this information from police officers, he said that no names were mentioned by Daniel Morgan, and that although the facts were correct, '*the whole episode is not that clear in my mind*'.[1297] In a subsequent message to DC Kinley Davies on 09 June 1987, Bryan Madagan said that Daniel Morgan had sold stories to various papers, '*the content of which would be any "Tasty" affidavit that he was working on*'.[1298]

765. On 28 May 1987, DC Christopher Horne met Sylvia Jones and recorded that she had said that although she had never met Daniel Morgan, another journalist, who was later identified as Anton Antonowicz, a reporter with the *Daily Mirror* newspaper, had been contacted by Daniel Morgan around August 1986, who had said that he had information which he would supply to the newspaper for payment. The newspaper had stated that it had no interest in the information. It was decided that no further action should be taken in relation to this matter. [1299]

766. On 09 June 1987, Bryan Madagan confirmed to police that he did not know the name of any police officer who might have been the subject of the corruption story which he had said Daniel Morgan was taking to the media.[1300]

767. Shortly after the murder, the Metropolitan Police press officer[1301] made enquiries on behalf of the Morgan One Investigation based on the information provided by Bryan Madagan that there had been a suggestion that Daniel Morgan was negotiating to sell a story on police corruption to a Sunday paper for £250,000. DI Allan Jones had asked the press officer to make enquiries of his press contacts to see if anyone had heard anything relevant.[1302]

768. The press officer made a statement recording that he spoke informally to Jeff Edwards (subsequently of the *Daily Star* but, before 1985, of the *News of the World*) and John Toomey (who worked at the *Sunday People* between July and September 1987, and subsequently at the *Daily Express*). Both Jeff Edwards and John Toomey had reportedly made enquiries of several other colleagues and had said that there was no trace whatsoever of anything to support the suggestion that Daniel Morgan had been trying to sell anyone a story on police corruption, and that '[t]*here was certainly no suggestion that he was anticipating any £250,000 payout*'. The press officer added that a story on police corruption would have to be a '*remarkable story to merit an offer of £250,000*' and said that, if someone selling such a story was murdered, '*the story would have appeared immediately*'.[1303]

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1296 Witness statement of Bryan Madagan, MPS010404001, 22 May 1987.
1297 Witness statement of Bryan Madagan, MPS010404001, 22 May 1987.
1298 Message M295, from Bryan Madagan re work, Daniel Morgan., MPS012355001, 09 June 1987.
1299 Action A189, *'Obtain statement from Sylvia JONES'*, MPS013252001, 15 March 1987.
1300 Message M295 from Bryan Madagan, MPS012355001, p1, 09 June 1987.
1301 Also referred to as the Metropolitan Police Senior Information Officer. (Witness statement of Area Press Officer, MPS028058001, 15 July 1988.)
1302 Witness statement of the Area Press Officer, MPS028058001, 15 July 1988.
1303 Witness statement of the Area Press Officer, MPS028058001, 15 July 1988.

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769. Neither of the journalists contacted by the press officer fitted the description given by Bryan Madagan, as neither of them were working for a Sunday newspaper at the time of the murder. There was a relatively small number of Sunday newspapers operating at the time. The Morgan One Investigation should have contacted the editors of the Sunday newspapers directly, obtaining contact details from press officers, to see whether any of the editors were able to help and clarify if Daniel Morgan had approached journalists working on their newspaper.

770. On 06 August 1987, DC Kinley Davies, a member of the Morgan One Investigation, was returned to other duties. As he was leaving, he put a message into the Morgan One Investigation reporting that information had been received some months previously from Peter Wilkins (a retired Detective Constable who worked with Southern Investigations) that Daniel Morgan had been preparing an exposé of police corruption for which he had been offered £250,000, and had been in contact with an '*investigative journalist from a Fleet St "Sunday"*'. DC Davies said that this information had not been acted upon, and that given '*the connections between HASLAM & REES, the suicide of Taffy HOLMES & the present investigation with Ray ADAMS* [see below]*, it might be worth meeting WILKINS press man*'.[1304]

771. This issue of whether Daniel Morgan had been in touch with a newspaper to sell a story had been the subject of enquiries. (See paragraphs 762-769 above.) There is no record that the information alleged to have been supplied previously by former DC Peter Wilkins had been entered into the Morgan One Investigation files has not been identified. Either it was not supplied until August 1987 or it had not been entered into the investigation system. DC Kinley Davies's message, before he left the Morgan One Investigation, is the only record of the receipt of this information among the Morgan One Investigation papers seen by the Panel.

772. There is no record within the material available to the Panel that former DC Peter Wilkins did provide such information.

773. On 18 August 1987, DC Richard Davis reported that he had spoken to Nicholas Fullagar of the *Daily Mirror* newspaper who said that he did not recall Daniel Morgan approaching him with a story about police corruption; he did recall Jonathan Rees passing stories to him although he did not think they were stories about police corruption. He said that he would check his records and try to establish the nature of the information and was willing to discuss the matter with police if required.[1305]

774. On 14 December 1987, DC Richard Davis took a statement from former DC Peter Wilkins who said that: '*I have been asked about my knowledge concerning Danny MORGAN approaching the press concerning police corruption. I have no knowledge of this whatsoever.*'[1306]

775. The Panel asked former DC Kinley Davies why former DC Peter Wilkins would have later denied his alleged claim about Daniel Morgan going to the press with a story. Former DC Davies said that it was possible that former DC Wilkins was threatened as there were a lot of '*tasty*' people involved.[1307]

1304 Message M423 from DC Kinley Davies, MPS012483001, p1, 06 August 1987.
1305 Message M443 Morgan One Investigation, MPS012503001, 18 August 1987.
1306 Witness statement of Peter Wilkins MPS010560001, p5, 14 December 1987.
1307 Panel interview with former DC Kinley Davies, 14 June 2016.

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776. On 11 November 1987, Bryan Madagan made a statement in which he said that he believed that Daniel Morgan was trying to sell a story but had not been explicit and had never mentioned police corruption. He said, '*I am sure he did not say to me that this related to information he obtained from police officers, although I assumed this is what he meant*'. He also said he doubted that the sum of money that Daniel Morgan had been offered by the press was £250,000, as '*Daniel was always bragging*'.[1308]

777. On 29 January 1988, the Deputy Editor of the *Daily Mirror* newspaper, Nicholas Fullagar, was interviewed and provided a witness statement. He stated that:

i. he had met Jonathan Rees through former DC Peter Wilkins around two years previously and had bought stories from him which were tittle-tattle, and paying him about £50 '*to keep him "sweet"*'.

ii. Jonathan Rees had attempted to sell him a story about Paul Goodridge's life as '*minder to the stars*' for £10,000. Nicholas Fullagar had arranged to meet with Jonathan Rees and Paul GOODRIDGE to discuss the story. However, the meeting was cancelled, and the *Daily Star* subsequently ran the story.

iii. he did not know Daniel Morgan on a personal basis, though he had spoken to him once on the telephone when he had tried to contact Jonathan Rees, and Daniel Morgan had *'ranted and raved about John stitching him up over various things'* and asked what Nicholas Fullagar had wanted to talk to Jonathan Rees about.[1309]

778. There is no evidence of any further action in response to Nicholas Fullagar's statement, despite the fact that police were investigating the sale of a corruption story to the media as a possible motive for the murder.

779. On 08 February 1988, Anton Antonowicz, a reporter with the *Daily Mirror* newspaper, who had been mentioned by Sylvia Jones to the Morgan One Investigation in May 1987 as being a contact of Daniel Morgan, was asked by DC Paul Lombard about his knowledge of Daniel Morgan. Anton Antonowicz said:

i. He knew Daniel Morgan and had met him on a couple of occasions.

ii. Daniel Morgan had passed him information which was considered unsuitable for the daily papers.

iii. About a month before Daniel Morgan's death, he had received a call asking him to contact Daniel Morgan urgently, but because he was at the House of Commons covering the forthcoming budget, he did not receive the message until after Daniel Morgan's death.[1310] He said that all Daniel Morgan's calls were deemed to be urgent, so therefore he did not place too much importance on that particular call. He stated

1308 Witness statement of Bryan Madagan, MPS010406001, 11 November 1987.
1309 Witness statement of Nicholas Fullagar, MPS010899001, 29 January 1988.
1310 The actual budget statement was made on 15 March 1988.

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that he had never paid Daniel Morgan for any information but said that '*Morgan was always on the make for money and stories*'. In return he would run names through the press cutting library to assist Daniel Morgan in his investigations.[1311]

780. DC Paul Lombard concluded that in the absence of useful information it was not necessary to obtain a statement.[1312]

781. The police should have interviewed Anton Antonowicz when information was provided by Sylvia Jones in May 1987, rather than ten months later. The police should also have questioned Anton Antonowicz further to see whether the timing of Daniel Morgan's call to him was relevant to any of the information held by police. Daniel Morgan had returned from Malta a month before he was murdered, and Anton Antonowicz's evidence was that Daniel Morgan had phoned him a month before the murder.

782. There has been much media speculation about a *News of the World* journalist, Alex Marunchak, who became closely involved with Southern Investigations sometime after Daniel Morgan's death. There is no evidence that Daniel Morgan had any contact with him. There is also no evidence that Alex Marunchak was contacted by the Morgan One Investigation about any knowledge he may have had of Daniel Morgan. On 13 October 2009, Alex Marunchak made a statement to the Abelard Two Investigation that he '*had never met or had any contact with Daniel MORGAN under any circumstances*' and '*did not know anything about him prior to his murder*'.[1313] There is nothing to indicate that Alex Marunchak was in a business or social relationship with those at Southern Investigations before the murder of Daniel Morgan.

783. The documentary evidence available does not show that there was any information which linked Alex Marunchak to Daniel Morgan and which would therefore have required investigation.

784. In April 1988, D/Supt Douglas Campbell testified at the Inquest into the death of Daniel Morgan that he had examined the possibility that Daniel Morgan had intended to sell a story of police corruption and said:

> *'I could find no evidence at all. It was a suggestion that he had a story to sell to a newspaper. I spoke to the other persons concerned. I even went to the newspaper but if I told you what he was offered you would see it was quite ludicrous. He was alleged to have been offered £250,000 per story.'*[1314]

> *'We looked at all possible aspects* [of the police corruption exposé theory] *and* [...] *could not take it any further'*[1315] (see Chapter 2, The Inquest).

1311 Action A1581, MPS014644001, pp1-2, 04 February 1988.
1312 Action A1581, MPS014644001, pp1-2, 04 February 1988.
1313 Witness statement of Alexander Marunchak, MPS079262001, p1, 13 October 2009.
1314 Witness D/Supt Douglas Campbell cross examined by June Tweedie, Inquest Day Five, INT000005001, p63, 15 April 1988.
1315 Witness D/Supt Douglas Campbell cross examined by June Tweedie, Inquest Day Five, INT000005001, p64, 15 April 1988.

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785. D/Supt Douglas Campbell's evidence at the Inquest of Daniel Morgan, that the Morgan One Investigation had '*looked at all possible aspects* [of the police corruption exposé theory] *and* [...] *could not take it any further*' was both inaccurate and misleading. The matter had not been properly investigated, as police had not even made enquiries of all the Sunday newspapers.

786. D/Supt Douglas Campbell also stated, on 23 August 1988, that the suggestion that Daniel Morgan was seeking to sell information on police corruption had been '*fully investigated*'.[1316]

787. Nothing further can be found among the papers in relation to the suggestion that Daniel Morgan was going to take a story to the media in exchange for £250,000.

788. Other than the evidence referred to above, there is nothing to indicate that Daniel Morgan wished to sell a story to the media. No information indicating that Daniel Morgan had significant contact with any journalist has been identified.

789. Had Daniel Morgan been in the process of contacting the media about police corruption, any newspaper or journalist he had contacted would almost certainly have reported this after his murder. This did not happen. It is, therefore, most unlikely that Daniel Morgan had contacted any member of the media with a major story on police corruption before his murder.

7.3 An allegation of a connection between Daniel Morgan's murder and the death of DC Alan Holmes

790. Throughout the period since Daniel Morgan's murder in March 1987, there have been rumours, speculation and allegations that his death was somehow linked to the death later that year of a Metropolitan Police detective, DC Alan Holmes.

791. DC Alan Holmes had joined the Metropolitan Police in 1961 and served until his death on 28 July 1987. An inquest was held, and the Coroner ruled on 14 March 1988 that his death was caused by suicide. DC Holmes was known by the nickname 'Taffy'.[1317] At the time of his death, DC Holmes was a member of the Metropolitan Police Special Operations Task Force. He was also a Freemason and the Master of his local Lodge.[1318] He had close connections with PC Derek Haslam (a member of his Masonic Lodge), and is known to have met Commander Ray Adams (who described himself as a '*lapsed*' Freemason during that time) on a number of occasions between April and July 1987.

1316 Interview of D/Supt Douglas Campbell by DCS David Lamper, MPS038437001, p24, 23 August 1988.
1317 Some of the documentation seen by the Panel refers to DC Holmes as 'Taffy' and some as 'Alan'. The Panel has mostly used DC Alan Holmes henceforth.
1318 The Wagstaff Report, para 9, 05 November 1987.

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792. In April 1987, PC Derek Haslam had passed on to a Detective Chief Superintendent some information, received from a person whom he had interviewed in the course of his work, alleging corruption on the part of Commander Ray Adams. In January 2021, former Commander Adams told the Panel that he had turned down PC Derek Haslam's application to transfer to the Divisional Crime Squad and implied that this was the reason for the antipathy that former PC Haslam showed to him.

793. In 1987, an investigation into the information supplied by PC Derek Haslam was established, led by DAC Peter Winship.[1319] DC Alan Holmes became aware of this information. PC Haslam said that DC Holmes had later contacted him (PC Haslam) on behalf of Commander Adams and asked to listen to the tapes which he had of the interview at which the information about alleged corruption had been provided. PC Haslam informed the investigation about DC Holmes making this request and his association with Commander Adams. There were concerns that DC Holmes may have informed Commander Adams of matters relating to DAC Winship's investigation.[1320] and DC Holmes also became the subject of investigation.

794. DC Alan Holmes was interviewed on 19 and 23 July 1987. Concerns were subsequently raised about whether he had been questioned in an oppressive manner during these interviews, which had been lengthy, and whether this had contributed to his death on 28 July 1987. He had been asked about his association with Commander Ray Adams. Commander Thelma Wagstaff, who worked in the Metropolitan Police Business Group, was appointed on 04 September 1987 to listen to the interviews of DC Holmes and conduct an investigation.

795. Given the suggestion that there may have been a connection between the murder of Daniel Morgan in March 1987 and the death of DC Alan Holmes in July 1987, the Panel has examined the extensive papers available in relation to Commander Thelma Wagstaff's investigation and the anti-corruption investigation being conducted by DAC Peter Winship, to ascertain whether any mention was made of Daniel Morgan or whether there was anything which might link the murder of Daniel Morgan and the death of DC Holmes. The Panel was unable to find any evidence to indicate any connection between Daniel Morgan and DC Alan Holmes, and nothing to indicate any connection between the tragic deaths of the two men. Nor was there anything to link Daniel Morgan to the investigation of Commander Ray Adams.

796. PC Derek Haslam was among those interviewed about DC Holmes and his connections to Commander Adams. In the statements which he made in the aftermath of both Daniel Morgan's death and that of DC Alan Holmes, he made no reference to Daniel Morgan. He made three statements to DAC Winship's investigation and three to Commander Wagstaff's investigation.[1321] He made no reference to Daniel Morgan in these statements. He also made two statements to the Morgan One Investigation in the months following Daniel Morgan's death, in which he made no mention of DC Holmes. In the first of his statements to the Morgan One Investigation, he described Jonathan Rees as an acquaintance rather than a friend, and Daniel Morgan as someone he had met briefly on two occasions.[1322] In the second statement he provided some information about crime in the area and about Jonathan Rees, and named two individuals who, it was rumoured, had murdered Daniel Morgan; this was investigated and found to have no substance.[1323]

1319 Operation Russell.
1320 Operation Russell.
1321 Witness statements of PC Derek Haslam, 29 April, 08 May, and 17 July 1987 to DAC Winship's investigation, and three witness statements to Commander Wagstaff's investigation, 03, 17, and 28 August 1987.
1322 Witness statement of PC Derek Haslam, MPS010631001, 10 April 1987.
1323 Witness statement of PC Derek Haslam, MPS010635001, 16 November 1987.

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797. Commander Wagstaff concluded her investigation in November 1987. There was no mention of Daniel Morgan in her report. DAC Winship's investigation of Commander Adams concluded with no finding of any wrongdoing.

798. The Panel is aware of an allegation that Commander Thelma Wagstaff was appointed head of SO11, the Metropolitan Police Criminal Intelligence Branch, in February 1987, and that, on her very first day she was removed from that post and Commander Ray Adams was appointed in her place. Having been made aware of the concerns created by this allegation, the Panel sought to establish whether there was anything in the personnel records of the two officers, or anywhere else, to substantiate this allegation. There is none. Commander Wagstaff served in the Metropolitan Police Business Group between 01 September 1986 and 15 March 1989, while Commander Adams was in charge of SO11 between 12 January 1987 and 04 September 1989, with the exception of the period during which he was under investigation.

799. There are six references to DC Alan Holmes in the Morgan One investigation papers:

i. In June 1987, a message was received from DC Holmes by the Morgan One Investigation that Garry Vian was a target of a drugs investigation being run by the Metropolitan Police Serious and International Crime Squad, and that police were aware of information which suggested that the murder of Daniel Morgan had been discussed by Garry Vian and another named individual, both of whom were suspects in the drugs investigation.[1324] On 14 July 1987, DS Christopher Horne of the Morgan One Investigation Team spoke to a Detective Sergeant in the Metropolitan Police Serious and International Crime Squad, to find out what had been said about the murder. The Detective Sergeant stated that according to his information, there had been no mention between them of Daniel Morgan's murder, and there appeared to be no connection at this stage.[1325] No further information is available to the Panel.

ii. On 03 August 1987, following DC Alan Holmes's death, Peter Newby, the Office Manager at Southern Investigations, called the Morgan One Investigation, having seen articles in the *Daily Mirror* and *The Sun* regarding DC Holmes and PC Derek Haslam, to say that Jonathan Rees knew both officers. Peter Newby also said that Jonathan Rees had met Bryan Madagan the previous week at Bryan Madagan's request. The message is marked '*no further action*'.[1326] Peter Newby later said in his witness statement of 20 August 1988 that he knew DC Holmes himself, but did not believe that Daniel Morgan knew DC Holmes, '*he certainly did not mention his name ever and I have no knowledge of them ever meeting*'.[1327]

iii. Following DC Alan Holmes death in July 1987, D/Supt David Banks who was working on DAC Winship's investigation, visited the Morgan One investigation on 08 October 1987 to check the Investigation's computer records for information submitted by either DC Holmes or PC Derek Haslam. No discussion between D/Supt David Banks and any member of the Morgan One Investigation is recorded in the Morgan One Investigation

1324 Message M362, Information from DC Holmes, MPS012422001, pp3-4, 30 June 1987.
1325 Action A949, Liaise with a Detective Inspector and Detective Sergeant re. information about the Vians, MPS014012001, 02 July 1987.
1326 Message M419 from Peter Newby, MPS012479001, 03 August 1987.
1327 Statement of Peter Newby, MPS015790001, p3, 20 August 1988.

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papers. However, D/Supt Banks later gave a statement in which he confirmed that such a discussion took place.[1328] D/Supt Douglas Campbell later said in interview on 23 August 1988, '*I liaised closely with Det. Supt BANKS... who was dealing with* [the] *DC HOLMES case and we are both convinced that neither DC HOLMES* [sic] *death or Daniel MORGAN's were connected*'.[1329]

iv. On 11 March 1988, the Morgan One Investigation received a message from PC Derek Haslam, who had been in the Victory public house that day with Jonathan Rees. He reported that Jonathan Rees had told him that Daniel Morgan was friendly with DC Alan Holmes and had met him in a pub in Beulah Hill some days before his death.[1330]

v. On 17 May 1988, Alastair Morgan telephoned the Morgan One Investigation stating that he had met a man named '*Derek*' with Jonathan Rees. '*Derek*', who had done some driving for Jonathan Rees, had said that DC Alan Holmes was a good friend of Daniel Morgan, and '*Derek*' had asked Alistair Morgan whether he knew this. Evidence available to the Panel indicates that PC Derek Haslam had done some driving for Jonathan Rees at this time as Jonathan Rees had been disqualified from driving. Police told Alastair Morgan that they knew nothing to suggest that Daniel Morgan and DC Holmes had ever met.[1331,1332]

vi. In 1988, Jonathan Rees made complaints against the police regarding the Morgan One Investigation (see Section 14.3 below). These included a complaint that before his death, Daniel Morgan had met DC Alan Holmes and had told his wife, Iris, and others that he was going to sell information on police corruption to the media for £10,000, and that this had not been investigated. DCS David Lamper investigated these complaints. On 17 November 1988, DCS Lamper stated that, although he had investigated, he could find no connection between the Daniel Morgan case and the DC Holmes case.[1333]

800. There is nothing to indicate that there was any investigative response to the information provided by PC Derek Haslam on 11 March 1988, or by Alastair Morgan on 17 May 1988, during the Morgan One Investigation. This was a failure of the Morgan One investigation.

801. The matter was further considered during the subsequent Hampshire/Police Complaints Authority investigation into possible police involvement in Daniel Morgan's murder. What happened in this context during that investigation is dealt with here, as no further lines of enquiry in relation to the issue emerged:

1328 Statement of D/Supt David Banks, MPS029307001, 19 July 1988.
1329 Interview with D/Supt Douglas Campbell, MPS038437001, p25, 23 August 1988.
1330 Message M786 from PC Derek Haslam, MPS012846001, 11 March 1988.
1331 Message M872, information from Alastair Morgan, MPS012932001, 17 May 1988.
1332 Message M872, information from Alastair Morgan, MPS012932001, 17 May 1988.
1333 Report by DCS David Lamper, MPS005459001, p60, 17 November 1988.

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i. On 01 December 1988, PC Derek Haslam telephoned the Hampshire/Police Complaints Authority Investigation stating that: '*Alan HOLMES and Daniel MORGAN's friendship started in Sept 85 and HOLMES when ringing up would identify himself as "Omo"! People in "Cheers" or "Biggles" wine bar*[1334] *knew of the relationship.*'[1335]

ii. On 06 December 1988, PC Derek Haslam provided further information to the Hampshire/Police Complaints Authority Investigation that:

   a. DC Alan Holmes had met Daniel Morgan in Gossips Wine Bar in 1986. When the bill came to Southern Investigations Daniel Morgan had written on it '*Holmes will pay next time.*'

   b. DC Alan Holmes had intended to propose Daniel Morgan as a member of the Freemasons.

   c. Daniel Morgan had told Jonathan Rees that there were lots of police officers and business people in Croydon Freemasons Lodge, and that this offered the potential for Southern Investigations to obtain lots of business.[1336]

iii. In a second message on 06 December 1988, PC Derek Haslam told the Hampshire/Police Complaints Authority Investigation that Jonathan Rees had told PC Haslam of an investigative action raised during the Morgan One Investigation, to look at the connection between Daniel Morgan and DC Alan Holmes, but it had been taken out of the system by D/Supt Douglas Campbell.[1337]

802. On 31 January 1989, Jonathan Rees was arrested in the course of the Hampshire/Police Complaints Authority Investigation and interviewed by DCS Alan Wheeler, the Senior Investigating Officer. On 02 February 1989, DCS Wheeler wrote a statement in which he said that Jonathan Rees had asked to speak to him privately after interview that day, and had told him that DC Michael Crofts and DC Kinley Davies had '*fed into the* [investigation] *information that Taffy HOLMES, Ray ADAMS and the Brinksmat* [sic] *job was connected with the murder of Danny MORGAN. Danny had been to Private Eye and another paper. He was to get £10,000 for this information* […] *Both officers were taken off the Murder Squad shortly after'*.[1338]

803. Two other witnesses provided information to the Hampshire/Police Complaints Authority Investigation that Jonathan Rees had told them that Daniel Morgan had discovered that there was a connection between a senior Metropolitan Police officer and the Brink's-Mat robbery. One named the police officer as Commander Ray Adams.[1339,1340]

1334 PC Haslam said that the wine bar was in West Norwood.
1335 Message M456, information from PC Derek Haslam, 01 December 1988.
1336 Message M463, information from PC Derek Haslam MPS028844001, 06 December 1988.
1337 Message M464, information from PC Derek Haslam, MPS030413001, 06 December 1988.
1338 Witness statement of DCS Alan Wheeler, MPS021819001, 02 February 1989.
1339 Witness statement of neighbour of Daniel Morgan, MPS037327001, p2, 29 June 1988.
1340 Witness statement of book keeper at Southern Investigations, MPS011017001, pp4-5, 08 February 1989.

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804. There is no evidence in the papers available that the information described in paragraph 802 above had been inserted into or removed from the Morgan One investigation. There is no mention of *Private Eye* before Jonathan Rees raised it on 02 February 1989. The evidence from a number of sources shows that the question of whether the murder of Daniel Morgan and the death by suicide of DC Alan Holmes were linked was examined by both D/Supt Douglas Campbell and D/Supt David Banks during the Morgan One Investigation, and that no link was established. There was no reference to Daniel Morgan in Commander Wagstaff's investigation. The removal of DC Kinley Davies and DC Michael Crofts from the Morgan One Investigation was recorded as being due to a reduction in the number of investigative actions at that stage of the investigation. That reduction in investigative activity can be observed from the papers available.

805. In the later Abelard One/Morgan Two Investigation (See Chapter 6), on 07 March 2003, the Senior Investigating Officer DCS David Cook had reported to the Crown Prosecution Service that: '*There is nothing to link the death of DC Holmes, the activities of ex-Commander Adams, or the Brinksmat* [sic] *robbery to the Morgan murder.*'[1341]

806. Subsequently, as enquiries continued, on 09 April 2003 former Police Officer N21 told the Abelard One/Morgan Two Investigation that he believed that Daniel Morgan was going to '*grass up a police officer about a coke deal*', although he could not be more precise.[1342] Former Police Officer N21 also said that he thought Daniel Morgan had been linked to DC Alan Holmes and that there was a connection to the Brink's-Mat robbery.[1343] He did not provide any further information specific to any link between Daniel Morgan and DC Holmes.

807. On 15 April 2003, former PC Derek Haslam, who had been a regular visitor to Jonathan Rees who was then in prison, was asked by the Abelard One/Morgan Two investigation about his knowledge of the Daniel Morgan murder investigation. Former PC Derek Haslam provided information which confirmed the details about the death of DC Alan Holmes and which included the following:

i. Daniel Morgan and DC Alan Holmes, who had been working on the Brink's-Mat Robbery Investigation, were very close.

ii. DC Holmes helped Daniel Morgan with enquiries and Daniel Morgan would '*wine and dine*' DC Holmes in return.

iii. DC Holmes had allegedly told Daniel Morgan about a plan to smuggle £100m worth of cocaine into the UK possibly involving serving police officers.

iv. Daniel Morgan and DC Holmes had gone to *Private Eye* magazine with the story and according to him, *Private Eye* was not interested in running it. Daniel Morgan and DC Holmes then attended another unnamed newspaper.

1341 Report to the Crown Prosecution Service, MPS060058001, p31, 07 March 2003.
1342 Action A315, MPS059757001, p5, 25 April 2003.
1343 Action A315, MPS059757001, p5, 25 April 2003.

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808. Attempts were made to corroborate the information provided by former PC Derek Haslam and it was forwarded to the Metropolitan Police Professional Standards Department. In January 2021, former DCS Cook informed the Panel that the Abelard One/Morgan Two Investigation was not permitted to engage further with PC Derek Haslam and, as a result, was not able to interview him further or request a formal statement.

809. On 04 May 2007, former PC Derek Haslam provided a witness statement to the Abelard Two Investigation into Daniel Morgan's murder in which he said that he had received from Jonathan Rees and DS Alec Leighton information that Daniel Morgan knew DC Alan Holmes and that they were trying to sell a story on police corruption.[1344] At no stage during this witness statement, or in any other seen by the Panel, did he say that DC Holmes had told him that he knew Daniel Morgan, or that he was going to sell a corruption story with Daniel Morgan.

810. Nine years later, in June 2016, former PC Derek Haslam told the Panel in interview that:

i. he recalled speaking to DC Alan Holmes, who had told him that he had a story on police corruption that he intended to sell to the press for £250,000;[1345]

ii. DC Alan Holmes told him that he was working on this story with Daniel Morgan, who was leading the negotiations with the press;[1346]

iii. he possibly gave this information to the Morgan One Investigation, without providing DC Alan Holmes's name.[1347]

811. The Morgan One Investigation papers include no record of the information referred to in the previous paragraph. However, given the poor state of those papers – as is discussed elsewhere in this report – this cannot be considered conclusive. Former PC Derek Haslam's witness statements to the Morgan One Investigation, and subsequent investigations, do not include this information. He was asked about this during interview with the Panel and responded '*Yeah, I know where you're coming from. There was that relationship, they did know each other...*'[1348] He did not answer the question.

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1344 Witness statement of former PC Derek Haslam, MPS001491001, pp6-7, 04 May 2007 (unsigned).
1345 Panel interview with Derek Haslam, pp51-52, 01 June 2016.
1346 Panel interview with Derek Haslam, pp51-52, 01 June 2016.
1347 Panel interview with Derek Haslam, p75, 01 June 2016.
1348 Panel interview with Derek Haslam, p53, 01 June 2016.

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812. The Panel has read all the witness statements and messages which were made by PC Derek Haslam which are available to it, including those made to the DAC Winship Investigation,[1349] and to the investigation by Commander Thelma Wagstaff into DC Holmes' death. He did not report anything of what he allegedly knew until 1988, when he simply provided information that DC Holmes and Daniel Morgan knew one another and socialised together.

It is extremely difficult to understand why, if PC Haslam had information that DC Holmes and Daniel Morgan were going to sell a specific story to the press about corruption in the police, PC Haslam did not tell DAC Peter Winship's or Commander Thelma Wagstaff's investigations (to which he provided a total of at least six witness statements). In addition to this, PC Haslam did not tell D/Supt Campbell about this after Daniel Morgan was murdered in March 1987, or report it to the police until 2003.

813. The Panel sought to establish whether there was any evidence other than that provided by Jonathan Rees and former PC Derek Haslam that Daniel Morgan and DC Alan Holmes knew each other. Initially, it appeared that there was none:

i. DC Alan Holmes's widow told the Panel that her husband did not know Daniel Morgan.[1350]

ii. Iris Morgan told the Panel that she did not know whether her husband, Daniel Morgan, had met DC Alan Holmes.[1351] In June 1988, she told the investigation led by DCS David Lamper that her husband had never mentioned knowledge of police corruption to her, nor had he said that he had any intention of selling such information to the press.[1352] She also told the Hampshire/Police Complaints Authority Investigation on 30 June 1989 that her husband had never mentioned DC Holmes to her.[1353]

814. However, in 2017 the Panel was approached by David Bray, who had worked with Daniel Morgan before his death, and had travelled to Malta with him to recover a stolen Range Rover. He expressed a wish to speak about his knowledge of the case. Two meetings took place in November 2017 and March 2018. These were followed up by a lengthy telephone conversation, at David Bray's initiative, in December 2018. David Bray said that he had been re-reading the transcripts of the inquest into Daniel Morgan's death and wished to draw the Panel's attention to a number of issues which he had not previously discussed with the police. He felt that now was the right time to divulge the information and that he wished to speak with the Panel rather than with the police. He had also written a (then yet to be published) book concerning his knowledge of Southern Investigations and the circumstances surrounding Daniel Morgan's murder.[1354]

815. David Bray told the Panel that in the two-year period prior to his death, Daniel Morgan had spoken frequently of his dealings with DC Holmes, and that in early 1987, he had been present at two meetings between Daniel Morgan and DC Holmes.

1349 Operation Russell was an investigation led by DAC Peter Winship into allegations of corruption made against Commander Ray Adams.
1350 Letter from DC Alan Holmes's widow to Baroness Nuala O'Loan, MPS109469001, p1, 01 February 2016.
1351 Panel meeting with Iris Morgan, p2, 19 May 2015.
1352 Witness statement of Iris Morgan, MPS038947001, p1, 24 June 1988.
1353 Officer's Report by DI Rex Carpenter, MPS022747001, p1, 31 May 1989.
1354 The book was eventually published in November 2018: '*Daniel Morgan Southern Investigation', ISBN-10: 1731188641, independently published.*

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816. His account of the alleged dealings between Daniel Morgan and DC Holmes was as follows:

i. One day towards the end of 1984 or in early 1985, he had visited Daniel Morgan at the latter's home, and they walked together to the South Norwood Sports Club. Daniel Morgan had asked him if he had heard of the Brinks-Mat robbery.[1355] He had not. Daniel Morgan had talked about a reward or '*finder's fee*' in respect of it and had told David Bray that he had met a police officer whose '*codename*' was '*Omo*'. David Bray said that this had been said in the context of the robbery and it was unusual for Daniel Morgan as, unlike Jonathan Rees, he did not have a lot of police contacts.[1356] Subsequently, he said, Daniel Morgan mentioned '*Omo*' on a number of occasions but David Bray did not take all that much notice, other than that the officer was based at Tottenham Court Road, involved in the investigation of serious crime and '*was difficult to get hold of'.*

ii. Towards the end of the summers of 1985 or of 1986 – he was unable to remember which – Daniel Morgan had talked to him about conversations he was having at that time with DC Alan Holmes. He said that Daniel Morgan had said that DC Holmes had told him about a senior police officer, (whom he named, and who was not Commander Ray Adams,) who was apparently '*a supercop*', a senior detective with lots of experience, and was DC Holmes's '*guv'nor*'.[1357,1358]

iii. DC Alan Holmes had spoken to the senior officer about Daniel Morgan and the senior officer had said that he wanted to meet Daniel Morgan, who had initially been pleased about this but, over the next four weeks, his enthusiasm had waned. He had prevaricated about whether or not to meet the senior officer, but had been pressed to do so, to the extent that he thought that if he did not meet with the officer he would be '*picked up*' or arrested.[1359]

iv. He believed that Daniel Morgan did go to meet the senior officer, although he did not know what transpired at the meeting or subsequently. However, he wondered whether Daniel Morgan may as a result have been '*working undercover or become an informant*'.[1360]

817. David Bray's account of the two occasions on which he had allegedly met DC Holmes with Daniel Morgan was as follows:

i. He had been in the Southern Investigations offices one day, around the time of the trip to Malta in 1987 to recover the Range Rover, when Daniel Morgan had invited him to lunch, saying that they were going to meet DC Holmes at a burger bar. David Bray said that DC Holmes had arrived at the burger bar about ten minutes after they did, and that he and Daniel Morgan had gone to have a private chat. David Bray said that this was unusual, as he was normally able to be present while Daniel Morgan was having conversations. The two men had come back after ten minutes and they had all had lunch, but there had been a change in Daniel Morgan's demeanour. On the way back

1355 The Brink's-Mat robbery occurred on 26 November 1983, when £26 million worth of gold bullion, diamonds, and cash were stolen from a warehouse near Heathrow Airport in London.
1356 Panel meetings with David Bray, p1, 28 November 2017, and p1, 27 March 2018.
1357 'Governor' is a Metropolitan Police familiar term used to refer to officers of the rank of Inspector or above by officers of a lower rank.
1358 Telephone conversation on 05 December 2018 between David Bray and the Panel, pp 1 and 2.
1359 Telephone conversation on 05 December 2018 between David Bray and the Panel, pp1 and 2.
1360 Telephone conversation on 05 December 2018 between David Bray and the Panel, p2.

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to Southern Investigations, Daniel Morgan had been agitated and had wanted to get back and make some phone calls. David Bray had asked what they were about, but Daniel Morgan had not told him.[1361]

ii. Shortly after Daniel Morgan and David Bray had returned from Malta in February 1987, they had gone to the Wilton Arms public house in Thornton Heath one Saturday afternoon and had met DC Alan Holmes and former DC Peter Wilkins[1362] there. While the four men had been at the bar, an individual had come into the public house and had looked at them. Daniel Morgan and DC Holmes had been concerned that the man had seen them together. They had exchanged glances as if to say, '*is this a problem?*' David Bray said he had believed that the man was a senior police officer, as Daniel Morgan had said words to that effect. The man had not said anything to them; he had just looked at them and left.[1363]

818. David Bray said he had no knowledge of how, if at all, the association between Daniel Morgan and DC Alan Holmes had developed after that meeting.[1364]

819. The Panel wrote to former DC Peter Wilkins, seeking to interview him about this and other matters but he declined the invitation to meet. The Panel has examined his witness statements and any other material relevant to him, and notes that, in December 1987, he stated that he had no knowledge about Daniel Morgan approaching the media with concerns about police corruption.[1365]

820. David Bray made three lengthy witness statements in the first eight days after Daniel Morgan's murder, about Daniel Morgan's work, his social life, threats which had been received by Daniel Morgan during the time he knew him and many other matters. He described himself as being very close to Daniel Morgan, with whom he worked on a regular basis. Yet he did not mention DC Alan Holmes at all in any of these or the other ten witness statements which he made over the years.

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1361 Panel meetings with David Bray, p1, 28 November 2017, and p1, 27 March 2018.
1362 A private investigator who worked with Southern Investigations.
1363 Panel meetings with David Bray, p2, 28 November 2017, and pp 1 and 4, 27 March 2018.
1364 Panel meeting with David Bray, p2, 28 November 2017.
1365 Witness statement of former DC Peter Wilkins, MPS016854001, p1, 14 December 1987.

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821. The Panel has looked extensively at the suggestion that Daniel Morgan was working with DC Alan Holmes to expose police corruption:

i. The Panel has found evidence that the story of a link between Daniel Morgan and DC Holmes was first told by Jonathan Rees to several individuals. Jonathan Rees also made this claim directly to the Metropolitan Police and the Hampshire/Police Complaints Authority Investigation.

ii. PC Derek Haslam said repeatedly that he had been told by Jonathan Rees that Daniel Morgan and DC Holmes knew each other and that they planned to expose police corruption. There is no evidence in the papers available to the Panel that former PC Haslam had told any of the investigations that DC Holmes had told him that Daniel Morgan was negotiating the sale of a story for £250,000. He only said that he had been with Daniel Morgan when he had met DC Holmes after he approached the Panel in 2016.

iii. Just before he was to publish a book about Daniel Morgan's murder, David Bray informed the Panel that he had been present at two meetings between Daniel Morgan and DC Holmes and that he was aware that the context of the alleged relationship between the two men was the 1983 Brink's-Mat robbery. David Bray had not disclosed this information previously, in any of the 13 witness statements he had made over the years to police officers investigating the murder.

Having considered all the evidence available, the Panel is not persuaded that the evidence provided by former PC Derek Haslam and David Bray that Daniel Morgan was working with DC Alan Holmes to reveal police corruption is credible.

7.4 Information from Kevin Lennon that Jonathan Rees had said he wanted to kill Daniel Morgan

822. Kevin Lennon, who had acted as a bookkeeper to Southern Investigations, had been charged in January 1987 with serious fraud offences. The fraud offences were unrelated to Southern Investigations.[1366] On 06 March 1987, their new accountant, William Newton, had informed Jonathan Rees and Daniel Morgan about an outstanding tax liability of £23,400, plus penalties.[1367] Kevin Lennon was interviewed by the Morgan One Investigation on 02 April 1987 regarding his work with Southern Investigations, during which he stated that there were no financial problems with the business.[1368] This was not true.

823. In July 1987, Laurence Bucknole, a retired Metropolitan Police Detective Chief Inspector, provided information that Kevin Lennon had told him, in June 1987, that Jonathan Rees had asked him to find someone to murder Daniel Morgan.[1369,1370]

1366 Witness statement, MPS010892001, pp3-4, 27 January 1988.
1367 Letter from William Newton, MPS008348001, 06 March 1987.
1368 Witness statement of Kevin Lennon, MPS010519001, pp2-3, 02 April 1987.
1369 Witness statement of D/Supt Douglas Campbell, MPS010915001, pp8-9, 03 July 1989.
1370 Witness statement of Laurence Bucknole, MPS010415001, p3, 20 January 1988.

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824. D/Supt Douglas Campbell arranged for former DCI Laurence Bucknole to meet Kevin Lennon on 28 July 1987 wearing a tape recorder, as he suspected that Kevin Lennon would deny the information if directly approached.[1371] D/Supt Campbell hoped that Kevin Lennon would repeat his allegations about Jonathan Rees.[1372]

825. Former DCI Laurence Bucknole met Kevin Lennon and the allegations about Jonathan Rees were repeated and recorded.[1373,1374] D/Supt Douglas Campbell and DI Allan Jones then interviewed Kevin Lennon on 21 August 1987. He denied the information. However, after a section of the recording was played to him, he agreed that the information was correct, but said that it had been given in confidence. He declined to make a statement.[1375,1376] Two statements were eventually taken from Kevin Lennon in September 1987.[1377,1378]

826. In September 1987, Kevin Lennon said that he had also told former DCI Laurence Bucknole this information on a previous occasion.[1379] Former DCI Bucknole had no recollection of hearing the allegation previously.[1380]

827. Kevin Lennon described Daniel Morgan as being very different from Jonathan Rees and said that he had witnessed a number of occasions on which:

> *'John REES lost his temper with Daniel MORGAN. He would go into an absolute rage and shout at Daniel about things which he hadn't done and should have attended to. John REES would go on at Daniel like this for a quarter of an hour or more, shouting and abusing him.'*[1381]

828. In his witness statements, Kevin Lennon made the following allegations:

i. That Jonathan Rees had spoken to police officers about getting Daniel Morgan arrested for driving under the influence of alcohol, as he thought that this would lead to Daniel Morgan losing his driving licence, which in turn would mean Daniel Morgan would be unable to do his job, and would have to give up his share of Southern Investigations.[1382]

ii. That he (Kevin Lennon) had been drinking in the Victory public house with Jonathan Rees and Daniel Morgan on two evenings on which arrangements had been made for Daniel Morgan to be stopped for driving under the influence of alcohol. Jonathan Rees had commented to him on both evenings that Daniel Morgan would be stopped and breathalysed when he left the public house. He added that the reason the police would give for stopping Daniel Morgan would be a broken rear light on his car. However, Kevin Lennon stated that '*nothing happened*' either time.[1383]

1371 Decision 12 of Policy File for the Case of Daniel Morgan, MPS004821001, p13, 16 July 1987.
1372 Witness statement of D/Supt Douglas Campbell, MPS010915001, pp8-9, 03 July 1989.
1373 D342 Lab Form re body tape audio Exhibit AJ/7, MPS005249001, pp2-3, 29 July 1987.
1374 Witness statement of DI Allan Jones, MPS015298001, p5, 20 July 1989.
1375 Witness statement of DI Allan Jones, MPS015298001, p5, 20 July 1989.
1376 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS022269001, p31, 22 January 1988.
1377 Witness statement of Kevin Lennon, MPS010520001, 04 September 1987.
1378 Witness statement of Kevin Lennon, MPS010528001, 15 September 1987.
1379 Witness statement of Kevin Lennon, MPS010528001, 15 September 1987.
1380 Witness statement of former DCI Laurence Bucknole, MPS001756001, p3, 20 January 1988.
1381 Witness statement of Kevin Lennon, MPS010528001, pp4-5 and 8-9,15 September 1987.
1382 Witness statement of Kevin Lennon, MPS010520001, p3, 04 September 1987.
1383 Witness statement of Kevin Lennon, MPS010528001, pp12-13, 15 September 1987.

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iii. That at a function in Croydon, Jonathan Rees had said that he had arranged for the police to stop Daniel Morgan a few days prior to the function. Again, the alleged efforts to have Daniel Morgan breathalysed failed.[1384]

iv. That Jonathan Rees persistently asked him to arrange Daniel Morgan's murder, but, he said, '*I told John REES emphatically that there was no way that I would help him find anyone to kill Daniel MORGAN, in spite of this he persisted in his request of me and attempted to encourage me to find a person prepared to kill Daniel MORGAN*'.[1385]

v. That in August or September 1986, Jonathan Rees had told Kevin Lennon that: '*I've the perfect solution for Daniel's murder; my mates at Catford Nick are going to arrange it*'.[1386] Kevin Lennon stated that Jonathan Rees had said that his friends at Catford Police Station would '*either do it themselves or* [...] *get someone who they had something over to do the killing* [...] *in return to be let off whatever they had over them*'.[1387] According to Kevin Lennon, Jonathan Rees stated that the officers would then be in a position to suppress information linking the murder with Jonathan Rees or themselves. Kevin Lennon stated that Jonathan Rees had said that it would cost him £1,000 for Catford police officers to either commit the murder themselves or arrange for someone else to do it.[1388]

vi. That Jonathan Rees told him that Daniel Morgan had seized a car from a South London criminal, who had then telephoned the Southern Investigations office threatening to break Daniel Morgan's legs. Kevin Lennon stated that Jonathan Rees was happy with this development and had explained that after Daniel Morgan was murdered, he would mention these phone calls to the police, thereby giving them a suspect.[1389]

vii. That sometime during 1986, Jonathan Rees had told him that after Daniel Morgan was dead, DS Sidney Fillery would take Daniel Morgan's place in Southern Investigations.[1390]

viii. That Jonathan Rees had told him that he had had similar conversations with two other people about arranging to have Daniel Morgan murdered, and he had provided him (Kevin Lennon) with the names of these people. Kevin Lennon told the police that he would withhold their names at that stage but would reveal them later.[1391]

829. D/Supt Douglas Campbell later recorded that Kevin Lennon hesitated for some time before naming Jonathan Rees's wife, Sharon Rees, and his solicitor, Michael Goodridge, as the two people who allegedly also knew of Jonathan Rees's plans to have Daniel Morgan murdered.[1392]

830. The Morgan One Investigation asked Michael Goodridge whether he knew anything about threats being made to kill Daniel Morgan, either by Jonathan Rees or others. He said that he did not.[1393] There is no indication that Sharon Rees was asked about this at any stage.

1384 Witness statement of Kevin Lennon, MPS010528001, pp13-14, 15 September 1987.
1385 Witness statement of Kevin Lennon, MPS010528001, pp16-17, 15 September 1987.
1386 Witness statement of Kevin Lennon, MPS010528001, p22, 15 September 1987.
1387 Witness statement of Kevin Lennon, MPS010520001, p4, 04 September 1987.
1388 Witness statement of Kevin Lennon, MPS010528001, p24, 15 September 1987.
1389 Witness statement of Kevin Lennon, MPS010528001, pp17-19, 15 September 1987.
1390 Witness statement of Kevin Lennon, MPS010520001, p4, 04 September 1987.
1391 Witness statement of Kevin Lennon, MPS010520001, p7, 04 September 1987.
1392 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS022269001, p32, 22 January 1988.
1393 Witness statement of Michael Goodridge, MPS010253001, p2, 20 October 1987.

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831. In view of the allegation made by Kevin Lennon that friends of Jonathan Rees at Catford Police Station were somehow involved in the murder of Daniel Morgan, the Panel has looked at the role of Catford Crime Squad, to which DS Sidney Fillery and other officers were attached when assisting in the early days of the Morgan One Investigation. Catford Crime Squad had been assisting in another murder investigation, and their role in that investigation had concluded on 09 March 1987. The officers of the Catford Crime Squad were therefore available on 10 March 1987 to assist at the next serious crime to be committed in the Catford Crime Squad area. The next serious crime committed in that area was the murder of Daniel Morgan. However, despite the fact that Kevin Lennon said that Jonathan Rees told him the murder '*would be in the Catford area and sorted out by the Catford Police to cover up the murder leads or information coming in*',[1394] the Panel has seen no evidence that the Catford Crime Squad, except in the case of DS Sidney Fillery, covered up anything in relation to the murder.

832. The Golden Lion public house was in the Catford Crime Squad area, which meant that Catford Crime Squad would probably, but not definitely, be called upon to assist in the event of any serious crime occurring at that location. Had the murder of Daniel Morgan been committed elsewhere, or on a different date, the Catford Crime Squad might not have been involved in the investigation. Had another murder been committed in that area before Daniel Morgan's murder, the Catford Crime Squad may not have been available to work on Daniel Morgan's murder.

833. It is not possible to reach any conclusion on the information available as to whether the murder was committed when and where it was to facilitate the involvement of Catford Crime Squad in the early days of the investigation.

834. On 15 October 1987, D/Supt Douglas Campbell and DS Malcolm Davidson met Kevin Lennon's solicitor, who was aware of Kevin Lennon's position and the fact that he faced trial for fraud. D/Supt Campbell recorded that he made the solicitor aware that, as matters stood, Kevin Lennon's statement was '*worthless for evidential purposes and that no assistance could be offered*'. D/Supt Campbell did indicate, however, that there was a '*possibility of* [a] *letter to the judge if corroboration is obtained*'. While expressing concerns for his client's safety, the solicitor agreed that Kevin Lennon would continue to try to be of assistance to the investigation.[1395]

835. On 24 November 1987, a policy decision was recorded to use a tape recorder in an attempt to corroborate Kevin Lennon's evidence through the covert recording of a meeting arranged between Kevin Lennon and Jonathan Rees.[1396] A covert recording device was fitted to Kevin Lennon on 26 November 1987, with his consent, and he met Jonathan Rees in a bar. A draft transcript of the meeting records that Jonathan Rees did not make any incriminating statements about Daniel Morgan's murder.[1397]

836. A decision was made to ask Kevin Lennon to wear a recording device on a second occasion, and on 02 December 1987 he did so when he met Jonathan Rees in The Albert public house. The recording obtained on this occasion was of a very poor quality, but Jonathan

1394 Witness statement of Kevin Lennon, MPS010520001, p5, 04 September 1987.
1395 Message 515 re: D/Supt Douglas Campbell and the solicitor's discussion of Kevin Lennon's assistance, MPS012575001, 15 October 1987.
1396 Decision 18 of Policy File for the Case of Daniel Morgan, MPS004821001, p19, 24 November 1987.
1397 Draft transcript of Audio Recording of Kevin Lennon, MPS015593001, 26 November 1987.

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Rees can be heard asking questions about what Kevin Lennon had told police and showing significant interest in the case.[1398] Jonathan Rees did not reiterate any of the statements which Kevin Lennon attributed to him.

837. Kevin Lennon subsequently told police that he felt Jonathan Rees may have realised he was wearing a tape recorder.[1399,1400] Former DC Peter Wilkins told police, on the day after the meeting at The Albert public house, that Jonathan Rees had said he had met someone who *'he believed was "taped up"'.*[1401]

838. In his report on the investigation dated 27 January 1988, D/Supt Douglas Campbell described Kevin Lennon's evidence as *'probably the most alarming aspect of the whole case'*.[1402]

839. D/Supt Douglas Campbell further stated that '*I have attempted to corroborate aspects of LENNON's statements such as REES' attempts to get MORGAN breathalized, without success.*'[1403]

840. When D/Supt Douglas Campbell created a list of possible witnesses for the Coroner at the Inquest into Daniel Morgan's death, he included Kevin Lennon's name on that list and Kevin Lennon was called to give evidence at the early stages of the Inquest.

841. Kevin Lennon had alleged that Sharon Rees knew that Jonathan Rees wanted to murder Daniel Morgan. Despite still being married to Sharon Rees, Jonathan Rees was in very close contact with Margaret Harrison and his relationship with Margaret Harrison was subsequently discussed at the Inquest.[1404] Jonathan Rees's relationship with Margaret Harrison made it possible that his wife might have spoken to the police. In these circumstances, Sharon Rees should have been interviewed by the police when this information was received.

842. Kevin Lennon was reluctant to be a witness to the investigation of Daniel Morgan's murder and only provided his evidence when faced with the recording made by former DCI Laurence Bucknole on 28 July 1987. On 13 June 1988, Kevin Lennon appeared at the Central Criminal Court in London, where he pleaded guilty to various fraud and theft charges. Kevin Lennon understood that if the judge hearing the case against him was informed that he had assisted the Morgan One Investigation, then it was possible that his sentence might be reduced.

843. Before Kevin Lennon was sentenced, a Deputy Assistant Commissioner at the Metropolitan Police wrote to the trial judge recounting Kevin Lennon's assistance to the Morgan One Investigation, by way of written statements, and evidence on 11 April 1988 to the Inquest into the death of Daniel Morgan. He was sentenced to 18 months' imprisonment, suspended for two years on each indictment. The sentences were to run concurrently.[1405] It is not possible to comment on what impact, if any, the letter from the police to the judge in the case made to the sentence imposed on Kevin Lennon.

1398 Draft transcript of Audio Recording of Kevin Lennon, MPS015596001, p3-18 [this version has annotations, but is missing p1; MPS015597001 is complete but with no annotations], 02 December 1987.
1399 Message M634, DC Blake documents conversation with Kevin Lennon, MPS012694001, 09 December 1987.
1400 Message 639 re: Jonathan Rees and covert recording carried out by Kevin Lennon, MPS008717001, 10 December 1987.
1401 Message M634, DC Blake documents conversation with Kevin Lennon, MPS012694001, 09 December 1987.
1402 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS022269001, p41, 22 January 1988.
1403 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS022269001, p33, 22 January 1988.
1404 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS022269001, p29, 22 January 1988.
1405 Report by DI Allan Jones re: Kevin Lennon, MPS017088001, 14 June 1988.

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844. Kevin Lennon's evidence should have formed a major line of enquiry for the Morgan One Investigation. This did not happen. Greater attempts should have been made to corroborate his evidence.

845. The members of Daniel Morgan's family were unaware of Kevin Lennon's evidence until he appeared as a witness at the Inquest into Daniel Morgan's death. This caused the family great shock and distress (see Chapter 12, The Treatment of the Family). This should not have happened. It would have been possible for D/Supt Douglas Campbell to have arranged to inform the members of the family just before the Inquest that evidence of this kind would be given, to enable them to prepare, rather than hearing it for the first time in the Coroner's Court (see Chapter 2, The Inquest).

7.5 Daniel Morgan investigating drugs supply to a client's daughter

846. Four messages were received by the Morgan One Investigation, from an individual who was on bail for credit card offences.[1406,1407,1408,1409] The information was that Daniel Morgan had been engaged by a man from a named company to identify a drug dealer who was supplying drugs to his daughter. The individual said that Daniel Morgan initially approached a known dealer at the Golden Lion public house to see if he would supply drugs. The dealer was not able to supply the quantity for which Daniel Morgan asked, and in turn, referred the request to two other known drug dealers.

847. The individual said that, on an unknown evening, all three drug dealers (one of whom was being investigated by DS Sidney Fillery for handling stolen goods and was on bail at the time of the murder) and a '*bodyguard*' were in the Golden Lion public house with Daniel Morgan. One of the dealers was also said to have been in the Golden Lion public house on the night of the murder.[1410,1411] Police made enquiries and although they traced an individual who matched the description given and had a daughter with a name similar to that given by the witness, there was no such connection between them and Daniel Morgan.[1412,1413,1414]

848. Police sought to identify the people the individual said were in the Golden Lion public house at the same time as Daniel Morgan on the night of the murder. While initial enquiries failed to identify the '*bodyguard*', subsequently a man interviewed by an officer from the Morgan One

1406 Message 457 from D/Supt Douglas Campbell regarding information from an individual about Daniel Morgan trying to identify a drug dealer, MPS012517001, 26 August 1987.
1407 Message 491 from Police Officer A27 regarding information from an individual about Daniel Morgan trying to identify a drug dealer, MPS012551001, 29 September 1987.
1408 Message 517 from Police Officer A27 regarding information from an individual about Daniel Morgan trying to identify a drug dealer and giving descriptions, MPS012577001, 16 October 1987.
1409 Message 539 from Police Officer A27 regarding information from an individual willing to be interviewed, MPS012599001, 27 October 1987.
1410 Message 457 from D/Supt Douglas Campbell regarding information from an individual about Daniel Morgan trying to identify a drug dealer, MPS012517001, 26 August 1987.
1411 Message 491 from Police Officer A27 regarding information from an individual about Daniel Morgan trying to identify a drug dealer, MPS012551001, 29 September 1987.
1412 Action 1159 – Enq FADS security re staff hired Morgan re his daughter and drugs, MPS014222001, 27 August 1987.
1413 Witness statement, MPS010816001, 30 October 1987.
1414 Witness statement, MPS010785001, 19 October 1987.

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Investigation while in custody for an unrelated matter was identified as being this person. No information relevant to the murder of Daniel Morgan was obtained. The three drug dealers were identified, but not interviewed.[1415,1416,1417] One was subsequently identified as having been in custody on the night of the murder.

849. It was stated by officers that the individual who had provided the Morgan One Investigation with the information was a drug addict and unreliable.[1418,1419] No further enquiries were carried out.

850. This matter should have been further investigated by the Morgan One Investigation, which could have interviewed those who had been identified. No explanation has been found as to why there was no further investigation. The fact that the individual who provided the information was a drug addict and might have been unreliable, did not necessarily mean that the witness was not telling the truth.

7.6 Daniel Morgan's alleged relationships

851. Police received evidence alleging that Daniel Morgan had been engaged in a number of extramarital affairs. The question of whether Daniel Morgan might have been murdered by a jealous or angry partner or spouse of one of those with whom he had allegedly had a relationship, or by one of the women, was considered by the Morgan One Investigation.[1420,1421,1422,1423,1424]

852. On 11 March 1987, the day after the murder, information was received which referred to Daniel Morgan's alleged extramarital affairs from two separate sources, Jonathan Rees and David Bray.

853. Jonathan Rees, in a statement taken by DS Sidney Fillery, said:

> *'Daniel has often confided in me regarding a number of extra-marital sexual relationships. Several times I have been aware that when Daniel has an injunction to serve on an estranged husband, he would make efforts to contact, and discuss the matter with the wife. I believe that this has sometimes led to a sexual relationship. I have been asked if I can name any such women; I can remember four such cases.'*[1425]

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1415 Action 1111 – Liaise with DI Baker re [drug dealer] re info, MPS014174001, 27 July 1987.
1416 Action 1215 – Research [of a further drug dealer], MPS014278001, 30 September 1987.
1417 Action 1218 – ID Research [another drug dealer], MPS014281001, 30 September 1987.
1418 Action 1111 – Liaise with DI Baker re [drug dealer] re info, MPS014174001 MPS083125001, p1133, 27 July 1987.
1419 Message 457 from D/Supt Douglas Campbell regarding information from an individual about Daniel Morgan trying to identify a drug dealer, MPS012517001, 26 August 1987.
1420 Action A119, MPS013182001, 12 March 1987.
1421 Action A129, MPS013192001, 13 March 1987.
1422 Action A131, MPS013194001, 13 March 1987.
1423 Action A288, MPS013351001, 19 March 1987.
1424 Action A322 – *'Obtain full comprehensive statement from Margaret HARRISON....'*, MPS013385001, 19 March 1987.
1425 Witness statement of Jonathan Rees, MPS021752001, pp3-4, 11 March 1987.

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854. Jonathan Rees named the four women in his statement.[1426] One of the names given by Jonathan Rees in the statement taken by DS Sidney Fillery includes the wrong first name. This would have had the effect of delaying the investigation slightly as police sought to identify the woman with whom Daniel Morgan had allegedly had an affair.

855. At no point in his statement did Jonathan Rees mention Margaret Harrison, despite the fact that the evidence suggests that he was aware of the relationship between her and Daniel Morgan, and that they were drinking together on the night of the murder. This also had the effect of delaying the Morgan One Investigation's enquiries.

856. The four women named by Jonathan Rees, together with Margaret Harrison, were the subjects of enquiries by the Morgan One Investigation.[1427,1428,1429,1430,1431] There is no evidence of anything to link them to Daniel Morgan's murder.

857. The women's partners were also investigated, and recorded as eliminated from the enquiries.[1432,1433,1434,1435,1436] However, the Morgan One Investigation did not eliminate the men fully as they did not verify some of the alibis, or no alibi was provided.[1437,1438,1439,1440,1441,1442,1443]

858. David Bray also gave information on 11 March 1987 that Daniel Morgan had told him '*around mid 1985*' that he had been seeing a woman and that the woman's husband had found out about them and had phoned Daniel Morgan at home and threatened to kill him. He said that Daniel Morgan pointed out the woman's house to him. David Bray further stated that, although Daniel Morgan did not tell him the name of the person, Daniel Morgan had said to him that if he was ever attacked and hospitalised, then David Bray was to visit him, and that Daniel Morgan would tell him who and where the person was.[1444]

859. Police sought, in July 1987, to find the address which Daniel Morgan had pointed out to David Bray in 1985, but they were unable to do so.[1445]

1426 Witness statement of Jonathan Rees, MPS021752001, p4, 11 March 1987.
1427 Action A119, MPS013182001, 12 March 1987.
1428 Action A129, MPS013192001, 13 March 1987.
1429 Action A131, MPS013194001, 13 March 1987.
1430 Action A288, MPS013351001, 19 March 1987.
1431 Action A322, *'Obtain full comprehensive statement from Margaret HARRISON….'*, MPS013385001, 19 March 1987.
1432 Action A220, MPS013283001, 17 March 1987.
1433 Action A376, Take statement from husband of Margaret Harrison, MPS013439001, 20 March 1987.
1434 Action A418, MPS013481001 29 March 1987.
1435 Action A641 – Take statement from [Person Y19] re his knowledge of victim, MPS013704001, 14 April 1987.
1436 Action A1009, MPS014072001, 16 July 1987.
1437 Police interview, MPS016628001, 16 June 1987.
1438 Briefing Notes re: [Person Y19], MPS011332001, 15 June 1987.
1439 Witness statement, MPS010715001, 25 June 1987.
1440 Action A1009, MPS014072001, 16 July 1987.
1441 Witness statement of husband of Margaret Harrison, MPS010425001, 20 March 1987.
1442 Witness statement, MPS010512001, 01 April 1987.
1443 Work rota for husband of Margaret Harrison, MPS011172001, 10 March 1987.
1444 Witness statement of David Bray, MPS010154001, pp8-9, 11 March 1987.
1445 Action A316, 'Get BRAY to identify the house in Sydenham where victim was seeing a woman T/statement', MPS013379001, 19 March 1987.

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860. The Morgan One Investigation should have completed the investigation into all the women named by Jonathan Rees in his statement and their partners. This was a plausible line of enquiry and should not have been left incomplete.

7.7 Retaliation for actions taken by Daniel Morgan after a theft from his car

861. On 11 March 1987, David Bray stated that Daniel Morgan had told him that his car had been broken into the previous Christmas and the car stereo had been stolen. The stereo had been found in the possession of a number of youths, who had been charged. After they had been charged Daniel Morgan had told David Bray that he had received threats at home, which he believed to have come from these youths.[1446]

862. The men who had been charged with the theft from Daniel Morgan's car between 26 and 27 October 1986 were identified by the Morgan One Investigation. The officer in charge of the investigation into the theft was Police Officer E1.[1447] One of those suspected of the theft had been detained in custody while the other two were released on bail.[1448]

863. The two suspects who had been released on bail were interviewed by police officers from the Morgan One Investigation about their connection with Daniel Morgan and movements on the night of the murder.[1449,1450] They both provided statements saying that they had had no contact with Daniel Morgan and had been laying flooring at a shop in South Norwood during the evening of 10 March 1987.[1451,1452]

864. On 17 March 1987, the owner of the shop said that between 7.00 pm and 7.30 pm on Tuesday 10 March 1987 the two suspects came to his shop to lay lino. Apart from an hour-and-a-half period sometime between 8.00 pm and 10.00 pm, when they left to let some cement dry, they were there until 3.00 am the following morning.[1453]

865. A search was made of the house occupied by the two individuals suspected of the theft of Daniel Morgan's car stereo, to see if his Rolex watch could be found. It was not found.[1454]

866. The shopkeeper was unable to say that the suspects were at his premises during the crucial period when Daniel Morgan was murdered. Despite making extensive efforts, the Morgan One Investigation was unable to eliminate them in accordance with required procedure.

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1446 Witness statement of David Bray, MPS010154001, pp9-10, 11 March 1987
1447 Message M21 from [a Police Sergeant] showing Daniel Morgan as witness to a theft, MPS012080001, 12 March 1987.
1448 Witness statement of [Police Officer E1], MPS010380001, p1,18 March 1987.
1449 Action A206, interview […], MPS013269001, 16 March 1987.
1450 Action A207, interview […], MPS013270001, 16 March 1987.
1451 Witness statement, MPS010399001, 17 March 1987.
1452 Witness statement, MPS010401001, 17 March 1987.
1453 Witness statement of a shop owner, MPS010400001, 17 March 1987.
1454 Action A209, MPS013272001, 16 March 1987.

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7.8 Dispute with a rival investigator

867. At 3.30 pm on 11 March 1987, a Detective Inspector from the Criminal Investigation Department (CID) in Croydon informed the Morgan One Investigation that a named individual had been served with a writ the previous day by Daniel Morgan, and had said that *'MORGAN told him that another bailiff*', whom he named, '*(from whom MORGAN had poached an employee) had threatened to kill* [Daniel Morgan]'.[1455]

868. On 11 March 1987, DC Kinley Davies obtained a statement from the bailiff, who dismissed the suggestion of any antagonism between him and Daniel Morgan and stated that their work was completely different. He was never asked to account for his movements on the evening of 10 March 1987.[1456]

869. On 17 March 1987, Iris Morgan made a statement saying '*I had a telephone call from* [the same bailiff] *one day, it was about two years ago. I know there was dispute over what* [the bailiff] *was charging for certain jobs and the fees that were laid down.* [The bailiff] *said to me on the 'phone that, "he'll break Daniel's legs".*'[1457]

870. On 14 April 1987, a statement was taken from the man who had been served a writ by Daniel Morgan on 09 March 1987. He confirmed the account he had given to the Detective Inspector and said that Daniel Morgan *'had discussed our line of business'* and that *'Morgan did not seem worried or concerned about this threat*'.[1458]

871. Seven months later, a witness gave a statement which referred to the named bailiff and said that he had lost money because Daniel Morgan had given assistance to the Certificated Bailiffs Association in an action against the bailiff in question.[1459]

872. No further enquiries about the bailiff were made by the Morgan One Investigation.

873. The bailiff was not eliminated from the Morgan One Investigation. He should have been asked by DC Kinley Davies to account for his movements on 10 March 1987 to determine whether he could be eliminated.

7.9 Matrimonial/family-related investigations pursued by Daniel Morgan

874. Some of Daniel Morgan's work at Southern Investigations involved matrimonial and family disputes. Those disputes sometimes concerned estranged partners and included 'snatch backs' of children taken by separated partners. It has been established that at least six of Daniel Morgan's matrimonial cases were examined to determine whether further investigation was required of any possible link to Daniel Morgan's murder.[1460,1461,1462,1463,1464,1465]

1455 Message M9, MPS012068001, 11 March 1987.
1456 Witness statement of Bailiff, MPS010151001, 11 March 1987.
1457 Witness statement of Iris Morgan, MPS010373001, p15, 17 March 1987.
1458 Witness statement of an individual who was served a writ by Daniel Morgan, MPS010590001, p1, 14 April 1987.
1459 Witness statement, MPS010803001, p2, 22 October 1987.
1460 Action A296, MPS013359001, 19 March 1987.
1461 Action A597, MPS013660001, 10 April 1987.
1462 Action A675, MPS013738001, 22 April 1987.
1463 Action A143, MPS013206001, 14 March 1987.
1464 Action A586, MPS013649001, 06 August 1987.
1465 Action A1209, MPS014272001, 29 September 1987.

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875. The cases were those which were brought to the attention of the Morgan One Investigation in a variety of ways, including by witnesses who came forward and by those who had business dealings with Southern Investigations. It is not known whether all Daniel Morgan's case files were examined to determine whether there was anything to give rise to suspicions of possible motive for the murder or involvement in the murder.

876. Examination of each of these cases has confirmed that, in four cases, no further action was required. In the remaining two cases, there was no proper attempt to establish the whereabouts of the three individuals named, but on the basis of the information which is available, there is nothing to link them to the murder of Daniel Morgan.

7.10 A man who had been served a summons shortly before Daniel Morgan's murder

877. On 19 March 1987, Jonathan Rees provided information about a named individual on whom a summons had been served on 09 March 1987 by Daniel Morgan.[1466] Jonathan Rees also provided a letter received by Southern Investigations stating that the individual had previous convictions for violent offences.[1467]

878. The Morgan One Investigation decided to trace the individual, to '*interrogate*' him and to execute a search warrant to look for Daniel Morgan's Rolex watch.[1468] On 01 April 1987, the premises were searched, but the watch was not found. A statement was taken from the man. He said that during the evening of 10 March 1987, he would have been doing the laundry and preparing dinner.[1469] However, there was no evidence that another male who lived at the house was questioned to verify this alibi.

879. The Morgan One Investigation should have sought to verify the alibi given by this man.

7.11 Debt recovery, fraud investigations, and service of bankruptcy orders

880. Daniel Morgan had been involved in debt recovery, fraud investigations, and the service of bankruptcy orders, as part of his bailiff business. The evidence suggests that, as a result of having to deal with such matters, he may have angered a number of individuals. The Morgan One Investigation considered whether any of these matters might have provided a motive for Daniel Morgan's murder. Details of four of the more serious cases are detailed below.

1466 Message M78 from Jonathan Rees, MPS012138001, 19 March 1987.
1467 Document D69, Letter, MPS011137001, pp2-3, 06 March 1987.
1468 Action A292, MPS013355001, 19 March 1987.
1469 Witness statement of individual who was served summons by Daniel Morgan, MPS010509001, 01 April 1987.

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881. The first case was brought to the attention of the Morgan One Investigation on 06 April 1987, when DCI Brian Wallace of the Metropolitan Police Fraud Squad informed the Morgan One Investigation that he had had dealings with Daniel Morgan, most recently in January 1987, concerning '*a fraudster from Australia who entered this country leaving behind a debt of Aus $4,000,000*'. DCI Brian Wallace said that he would forward a report.[1470]

882. Police sought further information and were told that the whereabouts of the alleged fraudster were not known.[1471] No further action was taken by the Morgan One Investigation and it appears that the alleged fraudster was not traced.

883. This matter should have been pursued further by the Morgan One Investigation to identify the detail of the matter in which Daniel Morgan had been assisting police, in order to determine whether further investigative action was required. It was subsequently investigated by the Hampshire/Police Complaints Authority Investigation.

884. On 09 April 1987, a former employee of Southern Investigations made a statement saying that she and Daniel Morgan had served a bankruptcy notice on a named individual, who '*would have had the money and contacts to inflict such injuries on Daniel*'.[1472] The man concerned was identified and was in prison at the time of the murder. DS Christopher Horne made enquiries and reported that he attended the prisoner's solicitor, '*who confirms that* [the prisoner] *would have nothing to gain by killing MORGAN at this late stage as much of the Bankruptcy Matters were almost over with*'.[1473]

885. No further action was taken by police in respect of this matter. There is nothing among the papers seen by the Panel to suggest this was not a proportionate response.

886. The former employee also referred to a property repossession case in which she and Daniel Morgan had been involved, which had been listed for 09 and 10 March 1987 (the day of Daniel Morgan's murder). She said that the property had been vacated at the last moment, so '*we did not have to attend court*'.[1474]

887. There is no evidence in the papers available to the Panel that this matter was investigated. Given that the date for the proposed hearing was 09 or 10 March 1987, this matter should have been the subject of investigation.

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1470 Message M126 from DCI Wallace, MPS012186001, 06 April 1987.
1471 Action A519 Contact DCI Wallace re info re victims [sic] accommodation address, MPS013582001, 07 April 1987.
1472 Witness statement of a former employee of Southern Investigations, MPS010566001, p2, 09 April 1987.
1473 Action A734 See DCI Dixon re […] and his dealings with Morgan, MPS013797001, 28 April 1987.
1474 Witness statement of a former employee of Southern Investigations, MPS010566001, p2, 09 April 1987.

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888. On 28 May 1987, a solicitor who had instructed Daniel Morgan to carry out repossession and enquiry work made a statement. He provided information that on 28 November 1985, following an individual's non-payment of rent for some warehouse units, Daniel Morgan had been instructed to take back possession of the premises. It was reported that the tenant had in the past made threats of violence, and that Daniel Morgan had encountered considerable difficulties with this tenant and had been assaulted by him. Police had to be called to assist. When the tenant broke back into the premises, Daniel Morgan had to re-attend to re-secure them.[1475]

889. Police decided to make enquiries of the tenant.[1476] However, it was not possible to trace the tenant.

890. The Morgan One Investigation undertook appropriate enquiries to trace the tenant, and the matter was therefore appropriately dealt with.

891. In the same statement, the solicitor explained that Daniel Morgan had served bankruptcy notices on 02 October 1986 on two alleged guarantors of a company which had gone into rent arrears, who were said to be men of violence. A sum of £20,000 had been recovered. However, the company had again gone into arrears and Daniel Morgan had been engaged to take back possession of the premises.[1477] One guarantor said he had never seen Daniel Morgan and had never heard of Southern Investigations.[1478] The other guarantor stated that Daniel Morgan had served papers on him in October/November 1986 and had repossessed the property. He said he knew that Daniel Morgan drove a BMW car.[1479] Neither individual was asked to account for their movements on 10 March 1987. No further action was taken.

892. The two guarantors should have been asked to account for their whereabouts on 10 March 1987.

7.12 Car repossessions

893. Southern Investigations and Daniel Morgan had been contracted by finance companies to repossess motor vehicles purchased on finance when purchasers defaulted on payments.

894. Police made enquiries with a finance company from Eltham,[1480] which had instructed Daniel Morgan to repossess 18 vehicles. There were no reports of any trouble having occurred with any repossession or attempted repossession. Some vehicles had been repossessed, but in some instances neither the vehicle nor the purchaser could be found.

1475 Witness statement of the solicitor, MPS010683001 pp3-4, 28 May 1987.
1476 Action 1119 – Make enq [...] re possession of property by Morgan, MPS014182001, 29 July 1987.
1477 Witness statement of the solicitor, MPS010683001, pp4-5, 28 May 1987.
1478 Witness statement of a guarantor, MPS010865001 p4, 30 November 1987.
1479 Witness statement of the other guarantor, MPS010866001, 07 December 1987.
1480 Medens Ltd.

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895. These car repossession cases, other than the case involving the recovery of a Range Rover in Malta, were appropriately investigated, and there was no evidence linking any of them with Daniel Morgan's murder.

8 Other information leading to lines of enquiry during the Morgan One Investigation

896. The Morgan One Investigation made a very significant number of other enquiries as information was received. It is not possible to include all the lines of enquiry here. However, to show the range of enquiries made by the Morgan One Investigation some are included below:

i. A man, also called Daniel Morgan, who was born in Wales in 1958, reported that his car had been stolen on 09 March 1987. It was found in Sydenham with fire damage on 11 March 1987. DC Paul Lombard recorded that the man had no connection to the enquiry and no further action was taken. No further papers relating to this matter can be identified.[1481]

There is no evidence in the investigation papers which would explain or justify the decision to take no further action. The Morgan One Investigation should have considered further whether Daniel Morgan's death could have been a case of mistaken identity, and whether the other Welsh Daniel Morgan may have been the intended victim. It is not evident from the papers seen that this was done.

ii. On 14 March 1987, DS Sidney Fillery was tasked to research information received that a man known as '*Nutty Tony*'[1482] had been responsible for the murder of Daniel Morgan. He took no action on the matter, as the last date on which he worked on the Morgan One Investigation was 15 March 1987. The matter was then referred to a Detective Constable on 16 March 1987 and the man was identified as someone living only some 350 yards away from the Golden Lion public house and who had a criminal record, although the nature of his convictions was not recorded in the Morgan One Investigation's papers.[1483,1484] No efforts were made to trace him and interview him until January 1989, when officers from the Hampshire/Police Complaints Authority Investigation spoke with his mother and ascertained that her son had been in Australia between December 1986 and May 1988.[1485] It was only in November 2002 that detectives from the Abelard One/Morgan Two Investigation spoke to this man who confirmed his mother's statement that he had been overseas at the time of the murder and that stamps in his passport would prove this. There is no evidence demonstrating that his passport was in fact seen by police officers.[1486]

1481 Action A118 Research Reg Owner […] MPS013181001, 12 March 1987.
1482 Action A176, Research 'Nutty Tony', MPS013239001, 14 March 1987.
1483 Message M52 Male contacts Incident Room with information heard on 'crossed line', MPS012111001, 14 March 1987.
1484 Action A177 Take statement from […], MPS013240001, p3, 14 March 1987.
1485 Action A550, Identify and take statement from […], MPS032478001, 11 January 1989.
1486 Action A59 TIE […], MPS059449001, 12 November 2002.

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There is no explanation among the available papers for the failure by the Morgan One Investigation to pursue this information further by ascertaining the type of crimes for which the man had been convicted and attempting to trace and interview him. This was not pursued until during the Hampshire/Police Complaints Authority Investigation.

iii. In August 1987, police were informed by Person M12 that Daniel Morgan had made attempts to identify a man who had raped the girlfriend of a colleague of his.[1487,1488] This man was identified as John Steed and he had been convicted in November 1986 of three rapes and one case of manslaughter. He is reported to have later died by suicide in Full Sutton Prison. Police concluded that there was no connection between this incident and Daniel Morgan's death.[1489]

John Steed was in prison at the time of Daniel Morgan's murder and there is no evidence of any further connection between this case and the murder of Daniel Morgan.

iv. Information was received from a prisoner that a named individual had information about the murder of Daniel Morgan, and that he had '*received information prior to the* [murder]'.[1490,1491] When that prisoner was contacted on 05 May 1987 he declined to provide any further information.[1492] On 06 May 1987 the named individual's wife gave a statement that she had told the prisoner that her husband may have been in the Golden Lion public house on 10 March 1987. However, she went on to say that he came home about 7.30 pm and stayed at home thereafter. She did not know Daniel Morgan.[1493] She did not indicate that she thought he might have been involved in the murder. The named individual made a statement on 11 May 1987 that he was not in the Golden Lion public house on 10 March but had been there on 09 and 11 March 1987. He did not know Daniel Morgan.[1494]

Police spoke to the named individual on a second occasion in February 1988, but he could provide no further information. He was eliminated from the Morgan One Investigation.[1495]

1487 Witness statement of Person M12, MPS015635001, 25 August 1987.
1488 Witness statement of a colleague of Daniel Morgan, MPS010874001, 22 December 1987.
1489 Action A1543 to draw correspondence relating to Steed enquiry, MPS014606001, p1, 11 January 1987 (believe this is a mistake, and should be 1988).
1490 Message M216 from DI Allan Jones regarding information from a prisoner, MPS012276001, 05 May 1987.
1491 Action A516, MPS013579001, 07 April 1987.
1492 Message M217 from DI Allan Jones regarding information from a prisoner, MPS012277001, 06 May 1987.
1493 Witness statement of the named individual's wife, MPS010661001, pp2-3, 06 May 1987.
1494 Witness statement of the named individual, MPS010662001, 11 May 1987.
1495 Message M719, MPS012779001, 04 February 1988.

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Nothing more can be ascertained from the papers available about the named individual. He was not properly eliminated from the enquiry because his alibi was verified only by his wife. As he frequented the Golden Lion public house, enquiries should have been made with the landlord and staff, who may have been able to confirm or refute his account of his whereabouts on 10 March 1987. Enquiries should also have been made in an attempt to establish whether there was any link between him and the murder of Daniel Morgan, and what was meant by the reference to information received before the murder.

v. Daniel Morgan had lived for a period in Denmark and police were aware that he had made several trips there. Enquiries were therefore made in Denmark through Interpol in May 1987 to see whether anything relevant to the investigation of Daniel Morgan's murder would emerge.[1496] Police in Denmark interviewed seven people. The witnesses all knew Daniel Morgan, who had been employed by one of the witnesses on a farm when he was 17-18 years old, in the early 1970s. The Danish Police supplied a report providing details about what had been said during the interviews, including references to business and social activities.[1497] Nothing relevant to the investigation appears to have been identified.

There is no evidence of any other actions by the Morgan One Investigation to clarify what Daniel Morgan had been working on in Denmark, and whether it might have been relevant to the investigation of his murder. However, nothing can be found in the investigation papers or in other material available to the Panel to suggest any connection between Denmark and the murder. This was a proportionate response.

vi. On 19 June 1987 at 10.55 am, a telephonist employed by British Telecom at their Croydon exchange answered an emergency call from a male caller who wanted her to take a message. She stated that she told the caller that she could not take messages, and that she would have to put him through to the fire, police or ambulance service. She stated that the man said that he did not want to be put through to any of them and repeated that he wanted her to take a message about Daniel Morgan's murder. The caller then said that Jonathan Rees was involved in the Daniel Morgan murder and ended the call. The telephonist then told a Police Constable attached to the Central Command Unit at New Scotland Yard what the man had said and asked whether she should trace the call, but was told not to, as it was probably made from a call box.[1498] There is nothing in the papers to suggest that this officer sought instructions about whether it would be necessary to trace the call. The officer then transmitted the information to the Morgan One Investigation[1499]

1496 Document D262 – Report and translation from Danish Police re […], MPS011315001, 19 May 1987.
1497 Document D262 – Report and translation from Danish Police […], MPS011315001, 19 May 1987.
1498 Witness statement of the telephonist employed by British Telecom, MPS002246001, p1, 20 June 1987.
1499 Message M321, MPS012381001, 19 June 1987.

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A request was made by the Morgan One Investigation on 19 June 1987 to obtain a copy of the conversation which had been recorded.[1500] On 09 July 1987, a copy was requested by DAC TJ Siggs.[1501] However, there is no documentation indicating that a copy was made available to the Morgan One Investigation, and it is not within the materials available to the Panel.

The Police Constable should have accepted the telephonist's offer to trace the call. Even if the call had been made from a public phone box, its location may have provided some assistance in identifying the caller and establishing the veracity of the information. Fingerprint evidence may also possibly have been secured at the location.

In addition to this, police should have sought to establish whether it was possible to trace the call subsequently. There is no evidence that this was done.

vii. On 06 March 1988, Alastair Morgan received information via an anonymous phone call that Daniel Morgan had been asked by a person whose daughter had recently died of a drug overdose, to find her suppliers, that he had investigated this by using '*bugging equipment*' and provided information to the Metropolitan Police. The caller asked Alastair Morgan to provide funds for further investigation. The caller had previously made similar calls which had proved to be fraudulent.[1502,1503]

It was also reported by D/Supt Douglas Campbell that information was received by a former Detective Chief Superintendent about Daniel Morgan being supplied with '*bugging equipment*' which was delivered to an address in Hampshire. It was established that this information also came from the same caller above.[1504]

The papers seen by the Panel indicate that this matter was dealt with properly.

viii. In May 1987, information was received through PC Derek Haslam, from two sources, that a named individual had killed Daniel Morgan, but that Jonathan Rees had been the intended victim.[1505,1506] In a statement taken six months later on 16 November 1987, by D/Supt Douglas Campbell, PC Haslam stated that he had been told by D/Supt Campbell that both sources, whose details he had provided, had denied knowledge of Daniel Morgan's murder, to which PC Haslam responded he could only repeat that both men had independently spoken to him about this.[1507]

1500 Request to Chief Superintendent from DS Davies, MPS020620001, p1, 19 June 1987.
1501 Copy of letter to British Telecom from DAC TJ Siggs, PNL000021001, p1, 09 July 1987.
1502 Message 776 from Alastair Morgan regarding message about drugs and Daniel Morgan's investigation of an overdose, MPS018896001, p1, 08 March 1988.
1503 Registry docket report by D/Supt Douglas Campbell MPS005461001, p13, undated.
1504 Registry docket report by D/Supt Douglas Campbell MPS005461001, p13, undated.
1505 Message from PC Derek Haslam, MPS012311001, p2, 22 May 1987.
1506 Statement of PC Derek Haslam, MPS010635001, p10, 16 November 1987.
1507 Statement of PC Derek Haslam, MPS010635001, p14, 16 November 1987.

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On 05 January 1988, a witness statement was taken from the named individual by Police Officer A27.[1508] He denied involvement in Daniel Morgan's murder, or knowledge of anyone called Jonathan Rees. When asked about his movements on 10 March 1987, he said '*I haven't got a clue*'.[1509] No further action to eliminate him as a suspect in the enquiry appears to have occurred.

Police Officer A27 said in his statement of 22 June 1988, that he did not question PC Derek Haslam about the matter because he was aware that '*direct liaison took place between Detective Superintendent CAMPBELL and Detective* [sic] *Constable HASLAM*'.[1510]

Police concluded that there was no connection between the information and Daniel Morgan's murder, nor was there anything to support the suggestions that the intended target had been Jonathan Rees.

Although D/Supt Douglas Campbell knew of the allegation that Jonathan Rees had been the intended victim when Daniel Morgan was murdered, there is no information to indicate that he made any attempt to warn Jonathan Rees about the matter in the six months before he took the statement from PC Derek Haslam.

The allegation that the named individual killed Daniel Morgan was dealt with proportionately and was reasonably identified as being unfounded. There was no evidence to support the allegation that Jonathan Rees had been the intended victim. Jonathan Rees should have been told that uncorroborated information had been received by police that he had been the intended murder victim.

ix. The Morgan One Investigation was informed that a group of people who had been drinking at the Dolphin public house left suddenly, leaving their drinks, at some point between 8.30 pm and 9.30 pm on 10 March 1987.[1511] PS Phillip Barrett was tasked to make enquiries of the bar staff at the Dolphin public house. No statements were obtained, but PS Barrett questioned bar staff who said that there had been no untoward incidents in the Dolphin public house on 10 March 1987.[1512] The information available to the Panel shows that PS Barrett left the investigation on 16 March 1987 with the rest of the Catford Crime Squad, of which he was a member (although it appears he undertook enquiries for a few days afterwards).[1513] Eight months later, statements were finally taken from five witnesses who had observed the group leave.[1514,1515,1516,1517,1518] One of the witnesses said that these people returned two

1508 Witness statement of the named individual, MPS002522001, 05 January 1988.
1509 Witness statement of the named individual, MPS002522001, p3, 05 January 1988.
1510 Witness statement of Police Officer A27, MPS028055001, 22 June 1988.
1511 Message M62 Information from serving officer re. men in Dolphin public house on night of murder, MPS012122001, 16 March 1987.
1512 Action A197 Make enquiries. at Dolphin public house re any unusual incidents, MPS013260001, 16 March 1987.
1513 Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p4, 11 March 1987 to 07 February 1989.
1514 Witness statement, MPS010836001, 16 November 1987.
1515 Witness statement, MPS010845001, 18 November 1987.
1516 Witness statement, MPS010843001, 18 November 1987.
1517 Witness statement, MPS010835001, 16 November 1987.
1518 Witness statement, MPS010837001, 16 November 1987.

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or three minutes later.[1519] Police concluded that there was no cause for further investigation of this matter and no further enquiries were made by the Morgan One Investigation.

Although the Panel accepts this was not a high priority area of enquiry, the taking of statements from those who left the bar suddenly should have been completed earlier than eight months after the murder.

x. On 11 March 1987, John Peacock contacted the Morgan One Investigation and reported that there had been a burglary at Southern Investigations '*about 3 weeks ago*'.[1520] This information was investigated. A copy of the crime report in respect of the burglary was obtained.[1521] It was confirmed that the building containing Southern Investigations' offices had been burgled, as had the offices of the insurance broker located in the same building. No further action was directed.[1522] The stolen items from Southern Investigations were identified as '*a VDU and Keyboard*' and a '*Quantity of cash*'.[1523]

897. The burglary occurred during the week when Daniel Morgan was away in Malta, and only weeks before the murder. It should have prompted a more robust investigation than just obtaining a copy of the crime report in order to determine whether there were any links. Contact should have been made with the investigating officer, and checks should have been made as to whether any fingerprints or other forensic evidence had been obtained (for example, from a chisel which was reported to have been left on the floor of the office), in order to verify that a proper investigation had taken place. The Panel has seen no evidence that any of these steps were taken.

898. There is much evidence in the papers available to the Panel of investigative activity across a very wide range of lines of enquiry. Some of this work was well done. However, no decision log or other document containing pro-active, coherent lines of enquiry has been found. For example, there is no material to state that all Daniel Morgan's recent cases as a private investigator were examined. The Panel considers that full records should have been obtained for all Daniel Morgan's recent cases, matrimonial and otherwise, and the papers should have been seized and examined with a view to identifying further investigative opportunities.

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1519 Witness statement of a witness who had been drinking at the Dolphin public house, MPS010843001, p2, 18 November 1987.
1520 Message M19 from John Peacock, MPS012078001, 11 March 1987.
1521 Burglary report [...] on 02/02/1987, MPS011081001, 03 February 1987.
1522 Action A317 to research break in at Southern Investigations, MPS013380001, allocated 19 March 1987.
1523 Burglary report [...] on 02/02/1987, MPS011081001, 03 February 1987.

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899. In addition to the lines of enquiry examined above, various people were investigated during the course of the Morgan One Investigation. In total, at least 11 people were not eliminated, although on some occasions they were stated to be eliminated.[1524]

9 Further concerns about police officers' conduct during and in relation to the Daniel Morgan murder investigation

9.1 Concerns about DC Duncan Hanrahan

900. As D/Supt Douglas Campbell became aware of the extent to which Jonathan Rees socialised with police officers, during the first week of the investigation, he became more suspicious of Jonathan Rees and his association with certain officers.[1525] This was compounded by the news about the leak to the media of information about the arrests on 02 April 1987, the day before the arrests on 03 April 1987 (see Section 5.3.1 above).

901. D/Supt Douglas Campbell arranged for 43 police officers, '*who were serving or had served on Catford Police Division, to be interviewed regarding their meetings with REES or MORGAN over the preceding 2/3 years*'.[1526] He reported subsequently that 17 officers had met Jonathan Rees, some fairly frequently, both at Catford Police Station and various public houses in the area, having been introduced by DS Sidney Fillery. However, none of these officers said that they had ever met Daniel Morgan. None of the remaining 26 officers interviewed said that they had met Jonathan Rees or Daniel Morgan.[1527]

902. One officer who made a statement on 17 March 1987 about his knowledge of Jonathan Rees and Daniel Morgan, in response to D/Supt Campbell's request for information from police officers who knew Daniel Morgan, was DC Duncan Hanrahan, who was based in the Norbury Division. He said that he had met Daniel Morgan through Jonathan Rees, whom he had met through Michael Goodridge, a solicitor, '*about 18 months ago*'. He said that Daniel Morgan and he had met socially on many occasions, mostly in the Victory public house in Thornton Heath, when Daniel Morgan would join Jonathan Rees and him. He said that he had also met Daniel Morgan alone.[1528] DC Hanrahan had been one of the original officers who investigated the robbery of Jonathan Rees which occurred in 1986 and which led to the Belmont Car Auctions issue (see paragraph 496 above).

1524 Action A417, MPS013480001, 29 March 1987. Witness statement, MPS010512001, pp2-3, 01 April 1987. Action A1210, MPS014273001, 29 September 1987. Witness statement, MPS010881001, 13 January 1987. Action A870, MPS013933001, 12 June 1987. Witness statement, MPS010293001, pp1-2, 14 April 1987. Action A879, MPS013942001, 16 June 1987. Witness statement, MPS010706001, pp6-8, 16 June 1987. Action A119, MPS013182001, 12 March 1987. Witness statement, MPS010335001, 15 March 1987. Action A220, MPS013283001, 17 March 1987. Witness statement, 15 June 1987. Action A206, MPS013269001, 16 March 1987. Witness statement, MPS010399001, pp2-5, 17 March 1987. Action A207, MPS013270001, 16 March 1987. Witness statement, MPS010401001, 17 March 1987. Action A49, MPS013111001, 11 March 1987. Witness statement, MPS010151001, 11 March 1987. Action A586, MPS013649001, 10 April 1987. Witness statement, MPS010728001, 12 August 1987. Action A292, MPS013355001, 19 March 1987. Witness statement, MPS010509001, 01 April 1987.
1525 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS015359001 pp7-14, 22 January 1988.
1526 Report by D/Supt Douglas Campbell: Murder of Daniel Morgan, MPS015359001, p12, 22 January 1988.
1527 Report by D/Supt Douglas Campbell: Murder of Daniel Morgan, MPS015359001, p12, 22 January 1988.
1528 Witness statement of DC Duncan Hanrahan, MPS010350001, pp1-2, 17 March 1987.

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903. D/Supt Douglas Campbell had also received information that DC Duncan Hanrahan had met and drunk with Jonathan Rees at the Victory public house, Thornton Heath, in the company of DS Alec Leighton.[1529] D/Supt Campbell and DI Allan Jones interviewed DC Hanrahan about his involvement in the Belmont Car Auctions robbery investigation and his relationship with Jonathan Rees, and a further statement was taken from him on 05 June 1987.[1530]

904. In this statement, DC Duncan Hanrahan said that he had been the night duty Criminal Investigation Department (CID) officer on 18 March 1986, when Jonathan Rees was allegedly robbed of £18,280.62 on his way home from Belmont Car Auctions, and had conducted some of the early investigation into the robbery. DC Hanrahan recorded in June 1987 that he felt that '*either Jonathan REES was involved or he had been set up by someone knowing his movements*'.[1531] Despite this view, DC Hanrahan repeatedly met Jonathan Rees on a social basis between the Belmont Car Auctions robbery in March 1986 and the murder of Daniel Morgan in March 1987.[1532] This relationship continued after the murder.

905. DC Duncan Hanrahan stated in June 1987 that he had spoken to Jonathan Rees on the telephone after the murder but did not think he had met him again until 19 March 1987 in the Southern Investigations offices. He next saw him on 21 May 1987 when he was with DS Alec Leighton. According to DC Hanrahan's statement:

> *'He told me that he had been arrested and held for thirty hours. He was unhappy at his treatment. He intimated that he would not co-operate with the enquiry any more, and at one stage he stated that he didn't give a fuck who killed MORGAN. There were things that he could tell the investigation that would point the team in a direction other than in his direction, but he was not going to co-operate.'*[1533]

906. On 05 June 1987, D/Supt Douglas Campbell told DC Duncan Hanrahan that he was not to meet Jonathan Rees at any time.[1534] DC Hanrahan, however, continued to meet Jonathan Rees, and this was brought to D/Supt Campbell's attention.[1535]

907. D/Supt Douglas Campbell decided to use DC Duncan Hanrahan to gather information from and about Jonathan Rees, instead of repeating his direction that DC Hanrahan should not see Jonathan Rees, or dealing with DC Hanrahan's failure to comply with the lawful instructions he had been given by D/Supt Campbell on 05 June 1987. DI Allan Jones stated in 1991 that it had been decided that '*HANRAHAN would now attempt to glean information from and about REES and this information was reported by HANRAHAN to Mr CAMPBELL without the knowledge of REES*'.[1536] At the Inquest into Daniel Morgan's death, DC Hanrahan's role was described by the Coroner as that of a '*double agent*'.[1537]

1529 Action A371, *'Obtain statements from police officers who were drinking with REES in Anchor PH on Thursday 19th March'*, MPS013434001, 20 March 1987.
1530 Witness statement of DC Duncan Hanrahan, MPS010354001, 05 June 1987.
1531 Witness statement of DC Duncan Hanrahan, MPS010354001, pp2-3, 5 June 1987.
1532 Witness statement of DC Duncan Hanrahan, MPS010354001, pp3-4, 5 June 1987.
1533 Witness statement of DC Duncan Hanrahan, MPS010354001, p6, 05 June 1987.
1534 Message M288, Message relating to Jonathan Rees calling DC Duncan Hanrahan's home address, MPS012348001.
1535 Witness statement of Allan Jones, MPS038135001, p4, 31 January 1991.
1536 Witness statement of Allan Jones, MPS038135001, pp4-5, 31 January 1991.
1537 Witness D/Supt Douglas Campbell cross-examined by Mr J. Nutter; transcript of the Inquest into the death of Daniel Morgan: Inquest Day Four, INT000004001, p65, 14 April 1988.

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908. DC Duncan Hanrahan made a statement on 11 September 1987 reporting his meetings with Jonathan Rees. He reported that Jonathan Rees was always friendly towards him, called him '*Paddy or Comrade*', and always criticised D/Supt Douglas Campbell and DI Allan Jones. DC Hanrahan said that he had gone along with him on these views.[1538] He said that Jonathan Rees:

i. had met him on 08 June 1987 '*in a wine bar in Norbury between about 6.15pm and 7.pm*'.

ii. had wanted to know about his meeting on 05 June 1987 with D/Supt Campbell and DI Jones. He had told Jonathan Rees that he had made a statement about the Belmont Car Auctions robbery.

iii. had wanted to know whether or not he was still suspected of killing Daniel Morgan. DC Hanrahan had told him that he had been told nothing except to keep away from him or he would be in serious trouble.

iv. had told him that D/Supt Campbell had been to what he described as a '*Management Meeting*' that morning and that '*bottles could be heard clinking in his case when he went there* […] *Mr CAMPBELL was very hung over if not still drunk.*'

v. had told him that '*he had a friend on the staff of the Daily Mail who had shown an interest in the "Morgan" enquiry and that he (Rees) was going to get him to publish an article which would be critical of the Police conduct of the enquiry. The basis of the article would be that the Police were looking at Rees and Police Officers instead of the murderer, and that Mr Campbell and Mr Jones spent their time drinking and were drunk daily.*'

vi. had told him that '*MORGAN might have arranged to meet "crumpet"*[1539] [at the] *Golden Lion, and that the woman may have been followed there by a husband or boyfriend who kill* [sic] *MORGAN.*'

vii. no longer cared who killed Daniel Morgan and would not assist the enquiry any more.

viii. had been watching to see whether police had placed surveillance on him, and was convinced that he was not being followed, although he thought that his telephones might be '*tapped*'.

ix. had told him that if he (DC Hanrahan) was sacked or suspended for meeting him he would give him a job.

x. had met DC Hanrahan again on 26 June 1987, between 6.00 pm and 6.50 pm in The Albert public house.

xi. had told DC Hanrahan that '*during the first two weeks of the murder enquiry, D/Supt CAMPBELL had asked for certain people to be placed under surveillance, but had only been allowed two days surveillance by the* [Intelligence Support Unit] *and that a contact in* [Criminal Intelligence Bureau] *had told him that there was no* [Criminal Intelligence Bureau] *surveillance on officers in relation to the MORGAN enquiry*'.

1538 Witness statement of DC Duncan Hanrahan, MPS010355001, p8, 11 September 1987.

1539 People, especially women, regarded as objects of sexual desire (informal noun, Oxford English Dictionary).

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xii. had said that if DC Hanrahan was under any pressure from D/Supt Campbell or DI Jones he (Jonathan Rees) would arrange a meeting with DS Sidney Fillery and the other officers who were arrested with him, and that they would give him '*"the dirt"' on Mr CAMPBELL and Mr JONES*'. This would enable DC Hanrahan '*to protect*' *himself* from D/Supt Campbell and DI Jones.

xiii. said that DI Jones had '*corruptly "squared up" a Drink Driving Offence for a man called JURY or DRURY who he said was an armed robber*'.

xiv. had met DC Hanrahan again on 24 August 1987 in The Albert public house.

xv. had told DC Hanrahan that police were going to arrest him (Jonathan Rees), DS Alec Leighton and DC Hanrahan later that week, and that he would ring him the following day with more details.

xvi. had told DC Hanrahan that D/Supt Campbell had given '*the okay*' for all officers to meet him. He had '*taped*' this conversation with D/Supt Campbell, in his (Jonathan Rees's) office earlier that week or the previous week.

xvii. would arrange a meeting with DS Fillery for later that week.

xviii. expressed a great desire to cause harm to D/Supt Campbell and DI Jones and spoke of DI Jones being '*fitted up*' with something in his car, but not necessarily in the near future.

xix. said that his accountant had been interviewed for five hours the previous Friday and had refused to see DI Jones that day.

xx. telephoned DC Hanrahan at work on either 25 or 26 August and said that permission had been refused for D/Supt Campbell to arrest him (Jonathan Rees) and DS Alec Leighton. He said he had spoken to DS Fillery, who had declined to have a meeting with DC Hanrahan until things had '*died down*'.

xxi. telephoned him at home on either Wednesday or Thursday of the previous week, when he was on sick leave, and told him that he had been arrested the previous Sunday and charged with failing to take a breath test. He believed that D/Supt Campbell and/or DI Jones were behind the arrest and said he had told the custody officer this.[1540]

909. DC Duncan Hanrahan met Jonathan Rees again on 04 February 1988 in The Albert public house and Jonathan Rees had told him that '*senior police officers with Masonic connections were paying REES' legal fees to sue the Police force and make complaints*'.[1541]

910. During the Inquest into Daniel Morgan's death, DC Duncan Hanrahan was questioned by the Coroner about the fact that he had '*an understanding*' with D/Supt Douglas Campbell. DC Hanrahan described that understanding as follows: '*The understanding we had was if I was going to meet Mr REES I would inform* [D/Supt Campbell] *prior to meeting* [Jonathan Rees] *and I would tell him anything that occurred during the meeting*.' DC Hanrahan described how Jonathan Rees intended to discredit D/Supt Campbell and DI Allan Jones.[1542]

1540 Witness statement of DC Duncan Hanrahan, MPS010355001, 11 September 1987.
1541 Message M721 from DC Duncan Hanrahan, MPS012781001, 05 February 1988.
1542 Witness DC Duncan Hanrahan, examined by the Coroner, Transcript of the Inquest into the death of Daniel Morgan: notes of proceedings for the fourth day, INT000004001, pp57-58, 14 April 1988.

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911. Jonathan Rees, when questioned by the Coroner, said that DC Duncan Hanrahan had told him that he had been instructed to report back conversations with Jonathan Rees to D/Supt Douglas Campbell and DI Allan Jones, and denied that he intended to damage either officer.[1543] Jonathan Rees stated that:

> *'Officer Hanihan* [sic] *came out with quite a few suggestions himself sir. I suggest that those comments were his, his suggestion* [...] *Some of those suggestions about Mr. Campbell having a drink problem and himself possibly in the near future facing drink driving offences* [...] *Mr. Hanihan* [sic] *seems to know him a lot better than I do and said he seems to be a bit amazed, from his comments, sir, that Mr. Campbell already had not got into trouble for drink driving offences.'*[1544]

912. Former D/Supt Douglas Campbell was asked by the Panel about his use of DC Duncan Hanrahan. He responded that he '*did not remember any of his dealings with DC Hanrahan*' and that he '*did not recall if DC Hanrahan gave any information, useful or otherwise*'.[1545]

913. Former DC Duncan Hanrahan was subsequently convicted on separate matters and sentenced to over eight years in prison for offences including theft, robbery, conspiracy to supply Class A drugs and perverting the course of justice.[1546]

914. D/Supt Douglas Campbell knew about DC Duncan Hanrahan's relationship with Jonathan Rees when he first asked him to gather intelligence on Jonathan Rees. DC Hanrahan had been told by D/Supt Campbell not to see Jonathan Rees but had continued to do so. In those circumstances, it could not have been clear to D/Supt Campbell whether DC Hanrahan's first loyalty was to the murder investigation or to Jonathan Rees, who was a suspect for the murder of Daniel Morgan. There was a risk that DC Hanrahan would disclose information from the murder investigation to Jonathan Rees.

915. Most of the information provided by DC Duncan Hanrahan was of no value to the Morgan One Investigation, although the implied threats to provide '*the dirt*' on D/Supt Douglas Campbell and DI Allan Jones would have been a cause for concern. Notwithstanding this, the reality was that DC Hanrahan's encounters with Jonathan Rees largely took the form of Jonathan Rees trying to find out about the investigation. It was inappropriate for D/Supt Campbell to allow DC Hanrahan to be involved in the investigation in this way, because DC Hanrahan had previously disobeyed D/Supt Campbell, and D/Supt Campbell did not know where DC Hanrahan's true loyalties lay.

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1543 Witness Jonathan Rees, cross-examined by June Tweedie, Transcript of the Inquest into the death of Daniel Morgan: notes of proceedings for the eighth day, INT000008001, p96, 25 April 1988.
1544 Witness Jonathan Rees, cross-examined by June Tweedie, Transcript of the Inquest into the death of Daniel Morgan: notes of proceedings for the eighth day, INT000008001, p105, 25 April 1988.
1545 Email to the Panel from former D/Supt Douglas Campbell, 04 April 2017.
1546 PNC printout: summary of convictions/ reprimands/ warnings/ cautions/ last period in custody for Duncan Hanrahan, MPS007951001, p4, 22 January 2009.

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9.2 Other officers

916. A number of other officers, who were part of the Morgan One Investigation, also spent time drinking in public houses with Jonathan Rees. D/Supt Douglas Campbell was concerned that the investigation could have been compromised by the regular association between police officers and Jonathan Rees.[1547]

917. On 25 May 1987, D/Supt Douglas Campbell made a formal request for surveillance of Jonathan Rees by another police force '[t]*o ascertain REES' contacts both with Police Officers and criminals*'.[1548] His request was declined by the Metropolitan Police on 28 May 1987 '*after discussions with Commander FRY*'.[1549] D/Supt Campbell was not given any reason why this request was declined.

918. Information which emerged subsequently provided grounds for a renewal of the request, but D/Supt Douglas Campbell did not do this.

> 919. D/Supt Douglas Campbell had good reason to make the request, which was refused, for surveillance to be carried out on Jonathan Rees by another police force. Despite interviewing D/Supt Campbell's senior managers, the Panel has been unable to identify any explanation for the refusal.

920. During the investigation, a number of officers reported back to the murder investigation on their dealings with Jonathan Rees. Reports were received as follows.

9.2.1 PC Derek Haslam

921. On 10 April 1987, PC Derek Haslam, who knew Jonathan Rees and Daniel Morgan well, described meeting Jonathan Rees socially in various public houses both before and after Daniel Morgan's murder.[1550] He also said that he had spoken to DC Michael Crofts about '*other matters that may be of interest to the Murder Squad, but are of a sensitive nature*'.[1551]

> 922. Information which PC Haslam had received, suggesting that Jonathan Rees had been the intended victim of the murder, was provided to the investigation team and was dealt with proportionately.

923. PC Derek Haslam was not asked to provide further information for over seven months. On 16 November 1987, when he was providing information to the Morgan One Investigation, he explained that he had driven Jonathan Rees home from a Christmas party in Jonathan Rees's car on 17 December 1986 and had then driven home in the car, thus demonstrating that in December 1986 he had been close to Jonathan Rees.[1552]

1547 Report of D/Supt Douglas Campbell, MPS015359001, p34, para 144, 22 January 1988.
1548 Morgan One Policy File – Decision 11, MPS004821001, p12, 28 May 1987.
1549 Morgan One Policy File – Decision 11, MPS004821001, p12, 28 May 1987.
1550 Witness statement of PC Derek Haslam, MPS010635001MPS016943001, pp7-8, 16 November 1987.
1551 Witness statement of PC Derek Haslam, MPS010635001MPS016943001, pp7-8, 16 November 1987.
1552 Witness statement of PC Derek Haslam, MPS010635001MPS016943001, pp7-8, 16 November 1987.

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9.2.2 DC Kinley Davies

924. On 12 May 1987, DC Kinley Davies reported talking to Jonathan Rees in the Victory public house. When the pub closed for the afternoon, DC Davies reported that he and others were invited back to Southern Investigations for coffee. He said that Jonathan Rees made '*half-hearted attempts to find out the state of the enquiry*' and told '*stories of Police officers he knows*'.[1553]

925. On 13 May 1987, DC Kinley Davies again visited the Victory public house but Jonathan Rees was not present, so he then went to Southern Investigations' offices, which were '*in darkness*', as were Jonathan Rees's and Margaret Harrison's home addresses. He reported that Jonathan Rees's car was not present at either address.[1554] There is no clear explanation as to why DC Davies carried out these tasks.

9.2.3 Police Officer A27

926. On 22 May 1987, Police Officer A27 and DS Christopher Horne attended the Victory public house, but there is no record they went inside. They reported that Jonathan Rees left with two males who left in separate cars. One of the men was subsequently identified as DS Alec Leighton.[1555]

927. On 24 June 1987, Police Officer A27 reported that he and DS Christopher Horne visited The Harp public house, where they spent just under an hour and a half with Jonathan Rees. Glenn Vian was also present. Jonathan Rees gave them information about a woman whose photograph had been shown on *Crimewatch*, and they discussed a case of police corruption in which two officers were reportedly facing three years in prison.[1556] Police Officer A27 also recorded that '[a]*t 9.10pm REES's "bleep" went off he said it was time for him to go home and that was his wife. He stated the "bleep" covered the London area & Surrey and he'd had it for some time.*'[1557,1558]

928. The information that Jonathan Rees had a '*bleep*' (a pager) was entered into the investigation records, but nothing was done to recover the pager and investigate whether there might have been any material on it of relevance to the investigation.

1553 Message M226 from DC Kinley Davies regarding a visit to the Victory public house, MPS012286001, 12 May 1987.
1554 Message M230 from DC Kinley Davies regarding visits to various premises, MPS012290001, 14 May 1987.
1555 Message M252, Police Officer A27 observing Jonathan Rees and two males leaving the Victory public house, MPS012312001, 22 May 1987.
1556 Message M341, Police Officer A27 observing Jonathan Rees, Glenn Vian and a male in The Harp public house, MPS012401001, 25 June 1987.
1557 A bleep was an electronic device for passing messages. When a message was received the device 'bleeped'.
1558 Message M341, Police Officer A27 observing Jonathan Rees, Glenn Vian and a male in The Harp public house, MPS012401001, p5-6, 25 June 1987.

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9.2.4 DC Richard Davis

929. On 06 October 1987, DC Richard Davis, Police Officer A27 and DC Paul Lombard spent three hours in the Victory public house with Jonathan Rees. Among other things, DC Davis subsequently reported that Jonathan Rees:

i. disliked D/Supt Douglas Campbell and DI Allan Jones and believed they were not investigating the murder properly: '*All they were doing was looking at him as a suspect*';

ii. believed that D/Supt. Douglas Campbell and DI Allan Jones were ignoring other lines of enquiry and that it would be better if D/Supt Campbell and DI Jones were no longer in charge;

iii. said that he had been advised to make a formal complaint against them but was reluctant to do so;

iv. Asked how the enquiry was going and whether the investigation was being '*completed properly*';

v. asked who was currently working on it, and where '*DCs DAVIS* [believed by the Panel to refer to DC Kinley Davies] *and CROFTS*' were;

vi. said he was unhappy that he could not speak to other police officers without them reporting to D/Supt Douglas Campbell;

vii. said he was willing to help the murder squad in any way he could but would not deal with D/Supt Douglas Campbell and DI Allan Jones;

viii. said he had not seen DS Sidney Fillery lately and that DS Fillery was more of a friend than a police contact. He believed that DS Fillery may be '*working his ticket*'[1559] and that when he leaves the police he would either work with him or go into the hotel/ pub business;[1560]

> This information corroborated some of the information which had been provided by Kevin Lennon about the fact that DS Sidney Fillery intended to take early retirement and might work with Jonathan Rees.

ix. '[w]*ent to great lengths*' explaining the Belmont Car Auctions robbery and said that it had nothing whatsoever to do with Daniel Morgan's death;

x. asked how long Police Officer A27 had served and his experience of dealing with murder enquiries;

1559 Expression used in police circles to refer to someone attempting to achieve a release from their service, i.e. early retirement, perhaps dishonestly; or simply working their final months of service before retirement.
1560 Message M506 from DC Richard Davis observing and talking with Jonathan Rees and two other males drinking in the Victory Public House, MPS012566001, 07 October 1987.

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xi. said, when asked who he thought was responsible for Daniel Morgan's death, that he thought it was either Daniel Morgan's wife, Iris, or as a result of Daniel Morgan having an affair with someone;

xii. referred to Daniel Morgan as '*the little welsh cripple*';

xiii. discussed the finances of the company and the dispute with Iris Morgan – he said that the company had been making £200,000 a year and because of Daniel Morgan's death '*they had lost out on half of this'.*[1561]

9.2.5 DC Paul Lombard

930. On 13 October 1987, DC Paul Lombard reported that he had seen Jonathan Rees at the bar of the Victory public house with an unknown male. DC Lombard spoke to Jonathan Rees and said that no mention was made of the murder investigation.[1562]

9.2.6 Police Officer N21

931. On 20 November 1987, Police Officer N21 made a statement describing his interactions with Jonathan Rees, saying that during his time on the Crime Squad he must have met Jonathan Rees '*on at least twenty occasions*', always in the company of DS Sidney Fillery and '*invariably in public houses*'. Police Officer N21 said: '*I liked a drink and so did Sergeant Fillery and John Rees and it was obvious that these two men were good friends. The main topics of conversation was* [sic] *either our recent work or what John Rees had been doing*.'[1563] He went on to say that, since the murder, he had not socialised with Jonathan Rees, although he had met DS Sidney Fillery, who he described as a *'personal friend of mine',* and said: '*Although I have discussed the murder with D/S Fillery he has not told me anything that would assist in this investigation.*'[1564]

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1561 Message 376 from DC Richard Davis observing and talking with Jonathan Rees and two other males drinking in the Victory Public House, MPS012566001, 07 October 1987.
1562 Message M513 from DC Paul Lombard visiting the Victory public house where he saw and spoke with Jonathan Rees and an unknown male, MPS012573001, p1, 13 October 1987.
1563 Witness statement of Police Officer N21, MPS010849001, p5, 20 November 1987.
1564 Witness statement of Police Officer N21, MPS010849001, p8, 20 November 1987.

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Meetings held in public houses

932. The Morgan One Investigation appears to have accepted a process by which officers working on the enquiry would visit public houses known to be frequented by Jonathan Rees and DS Sidney Fillery, both of whom had been arrested for the murder and continued to be suspects, and would spend time with one or both of them on a seemingly social basis. They would then report back to the enquiry team.

Officers meeting Jonathan Rees and DS Sidney Fillery in these public houses would in all probability be drinking alcoholic drinks, and there was a significant risk of information leaking from officers in these circumstances. This is demonstrated in officers' reports which state both the intelligence that Jonathan Rees had accumulated about the ongoing investigation and the way in which he would probe them for information.

It is unclear whether intelligence gained from these meetings was dealt with appropriately. There is no record that the intelligence that Jonathan Rees had a pager was followed up by the investigation team, although this was a potentially important piece of information. Similarly, intelligence received that DS Sidney Fillery was '*working his ticket*' and seeking medical retirement, in order, possibly, to go and work with Jonathan Rees several months before he did so, does not seem to have been acted upon. It would have been possible to investigate further whether DS Fillery's alleged sickness was genuine and what he was doing during his period of sick leave at this stage.

933. This close association between police officers and one of the main suspects posed serious risks to the investigation. As a strategy, which it appears to have been, it was entirely inappropriate. This should not have been allowed to happen.

10 The second arrest of Jonathan Rees

934. On 03 March 1988, Jonathan Rees was arrested on *'suspicion of murder'*[1565] having presented himself, at the request of the police, at Croydon Police Station.[1566] He was accompanied by his solicitor, Michael Goodridge. An entry on his custody record at 3.46 pm reads: '*28 hours 50 minutes previous relevant time* [...]'.[1567]

935. The Custody Officer who made this entry used the wrong terminology but seems to be referring to the time Jonathan Rees spent in custody in April 1987. A second entry, apparently made by a Police Superintendent at 4.00 pm, is not very legible in places but appears to read:

> *'Mr REES presented himself at Croydon Police Station for further enquiries into an allegation of a serious arrestable offence, i.e. murder. The officer in the case, Det Supt CAMPBELL requested that he be allowed to commence interview and for his detention*

1565 Custody record for Jonathan Rees, MPS014838001, 03 March 1987.
1566 Message to Jonathan Rees, MPS012825001, 03 March 1988.
1567 Custody record for Jonathan Rees, MPS014838001, 03 March 1987.

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passed the hours to be re-confirmed. The original authority was given by Supt KYDD at Catford Police Station at 7.50am on the 4th April 1987. I introduced myself to Mr REES in the presence of his solicitor Mr Michael GOODRIDGE and explained the reasons for his further detention, neither Mr REES, nor his legal advisor made any objection to the proposed course of action or his continued detention [...]'[1568]

936. The custody record entries at 3.46 pm and 4.00 pm on 03 March 1988 would only have been correct if Jonathan Rees was answering bail. He was not on bail, as he had been released without charge on 04 April 1987.

937. The custody record of 03 March 1988 demonstrates a lack of knowledge of the Police and Criminal Evidence Act 1984 by the Custody Sergeant, a Superintendent, and apparently a solicitor and Jonathan Rees. (Jonathan Rees had acted on behalf of his solicitor Michael Goodridge in attending interviews with suspects.)

938. Jonathan Rees was questioned about evidence gathered during the course of the investigation from a range of police and other witnesses during his interview.

939. He was interviewed between 4.02 pm and 4.27 pm by D/Supt Douglas Campbell and DI Allan Jones. It appears from the papers that the Panel has seen that Jonathan Rees made no comment during the interview.[1569] Following the interview, Jonathan Rees was '*released pending further enquiries*'.[1570]

940. On 07 March 1988, police asked Jonathan Rees to bring his BMW car in for further forensic examination. Jonathan Rees asked that a police officer and Scenes of Crime officer attend at his office.[1571] On 10 March 1988, fibre samples were collected from the seats, front and rear floor mats and boot mat. A number of tapings and control samples retrieved from the car were submitted for comparison with the fibres found on the axe.[1572] No matching fibres were found.[1573]

941. Jonathan Rees's car had not been fully forensically examined before this point, a year after the murder. The consequence of this failure was that, even if evidence had been found which linked the car to the murder of Daniel Morgan, there would have been scope for arguments that there was no continuity to any such evidence secured, and that there was a possibility of contamination of such evidence in the year between the date of the murder and the search of the car.

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1568 Custody record for Jonathan Rees, MPS014838001, 03 March 1987.
1569 Interview of Jonathan Rees, MPS011591001, 03 March 1988.
1570 Custody record for Jonathan Rees, MPS014838001, p6, 03 March 1987.
1571 Action A1623, MPS014686001, 07 March 1988.
1572 Report to submit various articles belonging to Daniel Morgan to the forensic laboratory, MPS025486001, 15 March 1988.
1573 Letter to D/Supt Campbell from Philip Toates regarding his findings as a result of his forensic examination of the fibres found on the axe against fibres from Jonathan Rees' BMW, MPS071211001, 25 March 1988.

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11 D/Supt Douglas Campbell's three investigation reports

942. In his report of 22 January 1988, D/Supt Douglas Campbell drew together all his lines of enquiry and concluded that he had identified motive and unanswered questions but not evidence. He said that the case of Daniel Morgan's murder revolved around who had known that Daniel Morgan would have been at the Golden Lion public house on 10 March 1987, that the manner of his death indicated a personal hatred held by his attacker and that the murder was premeditated.[1574] D/Supt Campbell's conclusion was that Jonathan Rees was complicit in the murder of Daniel Morgan. He considered it possible that Jonathan Rees was concerned that Daniel Morgan would dissolve their business partnership,[1575] thought it apparent that Jonathan Rees's dislike for Daniel Morgan had turned to hatred, and suggested this could have been further fuelled by the association both men had with Margaret Harrison.[1576] D/Supt Campbell also raised concerns over Jonathan Rees's '*over-riding loyalty*' to police officers, especially those connected to Belmont Car Auctions, and referred to evidence that Daniel Morgan had threatened to expose police corruption.[1577]

943. These matters, D/Supt Douglas Campbell believed, offered '*strong motives for murder*'.[1578] He stated that '[n]*ot one piece of evidence was found that would lead the investigation team away from REES as the prime suspect*',[1579] and '*I am therefore of the view that REES killed MORGAN*'.[1580]

12 The frequency and nature of liaison between the Morgan One Investigation and the Crown Prosecution Service and the Director of Public Prosecutions

944. As the investigation proceeded there was, as was normal, communication between the Morgan One Investigation and the Crown Prosecution Service and Director of Public Prosecutions. The Panel examined the material available to determine whether proper liaison took place to enable consideration of all issues arising in the Morgan One Investigation into Daniel Morgan's murder.

945. The Crown Prosecution Service was created by the Prosecution of Offences Act 1985 which came into force in 1986.[1581] The newly established Crown Prosecution Service took over the conduct of all prosecutions initiated by the police and decided whether or not such proceedings should be continued.[1582]

946. The information available can be divided into what took place before the Inquest into the death of Daniel Morgan, and what took place afterwards.

1574 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016002001, p3, 22 January 1988.
1575 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016002001, p46, 22 January 1988.
1576 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016002001, p47, 22 January 1988.
1577 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016002001, p47, 22 January 1988.
1578 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016002001, p47, 22 January 1988.
1579 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016002001, p27, 22 January 1988.
1580 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016002001, p23, 22 January 1988.
1581 Prosecution of Offences Act 1985 (Commencement No. 1) Order 1985/1849; Prosecution of Offences Act 1985 (Commencement No. 2) Order 1986/1029; Prosecution of Offences Act 1985 (Commencement No. 3) Order 1986/1334.
1582 Prosecution of Offences Act 1985, s. 3(2)(a).

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12.1 Pre-Inquest

947. On 22 January 1988, D/Supt Douglas Campbell reported to DCS Douglas Shrubsole stating that he had considered bringing charges against Jonathan Rees himself, before referring the decision to the Crown Prosecution Service:

> *'I must confess that I have seriously considered charging REES, but it may well be that I am too personally involved for a number of obvious reasons in my attitude towards REES. I would welcome Solicitors Department comments on whether or not these papers should be considered by the Crown Prosecution Service."*[1583]

948. In the same report, D/Supt Douglas Campbell stated that there were strong motives for the murder: Jonathan Rees's '*dislike for MORGAN turned to hatred*' and '*REES' over-riding loyalty to Police Officers especially those connected with Belmont Car Auctions*'. D/Supt Campbell asked, '[d]*id MORGAN threaten to expose the officers? There is no doubt that an underlying current throughout this investigation is of MORGAN's apparent dislike of Police and his threats to go to the newspapers with a story of Police corruption.*'[1584]

949. Over the next few months, there was correspondence between D/Supt Douglas Campbell and the Crown Prosecution Service, as D/Supt Campbell sought a decision from the Crown Prosecution Service on whether to charge Jonathan Rees.

950. On 22 February 1988, the Crown Prosecution Service explained that they intended to send the papers to Counsel for advice, but did not expect a decision on charge for about three weeks.[1585] DS Malcolm Davidson then notified the Coroner that the Crown Prosecution Service would not come to a decision on whether to charge Jonathan Rees for at least three weeks.[1586]

951. On 07 March 1988, D/Supt Douglas Campbell produced an annex to his report of 22 January 1988, in which he stated that, on the instructions of the Solicitors Department, copies of his report had been served on Sir Montague Levine, the Coroner, and the Crown Prosecution Service, which was seeking Counsel's advice as to whether or not a prosecution against Jonathan Rees for murder would succeed.[1587]

952. On 22 March 1988, a meeting took place between: D/Supt Douglas Campbell; Julian Bevan, Treasury Counsel; Mrs M. Phillips, the Head of the Crown Prosecution Service; Allan Green, Director of Public Prosecutions; and two other lawyers from the Crown Prosecution Service.[1588] The following day, DI Allan Jones telephoned the Metropolitan Police Solicitors Department to confirm that the decision to charge had been deferred until after the Inquest.[1589]

953. The Coroner's Inquest took place between 11 and 25 April 1988 (see Chapter 2, The Inquest).

1583 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016002001, p47, 22 January 1988.
1584 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016002001, p47, 22 January 1988.
1585 Message M741, Telephone call from D/Supt Douglas Campbell to Mr David Hamilton, Met Police Solicitors, MPS012801001, 22 February 1988.
1586 Telephone call from D/S Malcolm Davidson to Coroner's Office, MPS012802001, 22 February 1988.
1587 Report by D/Supt Douglas Campbell: Murder of Daniel Morgan, MPS016003001, p2, 07 March 1988.
1588 Report by D/Supt Douglas Campbell: Murder of Daniel Morgan, MPS016005001, p1, 12 May 1988.
1589 Message M801, Telephone call from DI Allan Jones to MPS Solicitor David Hamilton, MPS012861001, p1, 23 March 1988.

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12.2 Post-Inquest

954. On 27 April 1988, DI Allan Jones telephoned the Crown Prosecution Service to ask whether, following the conclusion of the Inquest, a decision had been taken on whether to charge. The Crown Prosecution Service advised that they were waiting for the Inquest transcript before making this decision.[1590] Following repeated requests by the Morgan One Investigation, the Inquest transcript was not received until July 1988.[1591]

955. On 12 May 1988, D/Supt Douglas Campbell produced a second annex to his earlier report, covering the issues raised at the Inquest, which was forwarded to the Director of Public Prosecutions.[1592] In it, D/Supt Campbell stated the following:

> *'It is my view that REES has certainly been "tried by the Press" and the chances of finding an unbiased jury would be extremely difficult. In any event we are no further forward evidentially than as discussed at Conference on 22nd March 1988.*
>
> *'It is my intention to close the investigation in the Murder of Daniel John MORGAN on 30th May 1988, when the papers will be put away pending any further developments.*
>
> *'However, in view of The Director of Public Prosecutions decision to review this case after the Inquest, I ask that this report be forwarded to The Crown Prosecution Service, for the attention of* [CPS1] *and that I be notified in writing of any decision made.'*[1593]

956. At the Inquest there had been evidence from important witnesses (including Kevin Lennon, who confirmed his statement from the witness box that Jonathan Rees and others had planned the murder), but the view taken was that no significant evidence had emerged from the hearing of the Inquest. There was at that stage the opportunity to review the investigation thus far and identify lines of enquiry, which was not taken.

957. Following communication between D/Supt Douglas Campbell and the Crown Prosecution Service on 27 May 1988, and 06 June 1988, Isobel Hülsmann, Daniel Morgan's mother, telephoned DI Allan Jones on 22 June 1988, asking whether the Director of Public Prosecutions had decided to charge Jonathan Rees. She also informed DI Jones that she had corresponded with Alex Carlile QC MP, who was interested in the case, and that he would be raising the matter with the Director of Public Prosecutions for a reply in the House of Commons.[1594] DI Jones informed the Crown Prosecution Service of Isobel Hülsmann's telephone call the same morning.[1595]

958. After further attempts to move the matter forward, D/Supt Douglas Campbell met Allan Green, Director of Public Prosecutions, Jeremy Gompertz QC and Julian Bevan QC (both Treasury Counsel), and two other lawyers from the Crown Prosecution Service on 22 July

1590 Message M865, Telephone call from DI Allan Jones to [...] CPS, MPS012925001, p1, 27 April 1988.
1591 Witness statement of D/Supt Douglas Campbell, MPS015272001, pp45-46, 05 February 1991 (unsigned).
1592 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016005001, 12 May 1988.
1593 Report by D/Supt Douglas Campbell: Murder of Daniel John Morgan, MPS016005001, pp3-4, 12 May 1988.
1594 Message M890, Telephone call from Isobel Hülsmann to DI Allan Jones, MPS012950001, 22 June 1988.
1595 Message M891, Telephone call from DI Allan Jones to [...] CPS, MPS012951001, 22 June 1988.

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1988. It was agreed that, as no fresh evidence had emerged, including during the Inquest, the likelihood of securing a conviction against Jonathan Rees for murder was '*extremely remote*', and therefore no prosecution would occur.[1596]

959. On 26 July 1988, DS Malcolm Davidson telephoned Alastair Morgan to advise him of the outcome of the meeting on 22 July 1988.[1597]

960. On the same date, Isobel Hülsmann telephoned DS Malcolm Davidson to notify him that Alastair Morgan had informed her of the Director of Public Prosecutions' decision not to prosecute. She also said that, having spoken to her solicitor, she and Alastair Morgan were considering a private prosecution.[1598]

961. The Panel asked the Crown Prosecution Service for any written advice about the decision not to prosecute. No written advice has been identified. As was common practice at the time, there was no formal letter from the Crown Prosecution Service to any member of the family of Daniel Morgan in relation to this decision.

962. On 29 July 1988, D/Supt Douglas Campbell told David Hamilton at the Metropolitan Police Solicitors Department that the Director of Public Prosecutions had decided not to institute proceedings against Jonathan Rees. David Hamilton replied: '*Thankyou for telling me. I am not surprised.*'[1599]

963. On 12 August 1988, the Crown Prosecution Service wrote to D/Supt Douglas Campbell, confirming that the Director of Public Prosecutions was '*of the opinion that as matters now stand there is insufficient evidence to justify criminal proceedings in respect of the death of the late Daniel John Morgan*'.[1600]

964. Given the time that it had taken to make a decision, and the continuing interest in the case expressed by the family of Daniel Morgan, the Panel would have expected there to have been a document articulating the reasoning for this decision. It was to be expected that there would be ongoing concern and, although such a document would probably not have been released to the family, its existence would have enabled the Metropolitan Police and others to have clarity as to the reasons for the decision. No trace has been found of any such document.

965. The Inquest concluded on 25 April 1988, but transcripts were not available to the Crown Prosecution Service until the second week of July. This delay undoubtedly caused frustration within the Morgan One Investigation team and exacerbated the anxiety felt by the family of Daniel Morgan and by those under investigation at this time.

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1596 Witness statement of D/Supt Douglas Campbell, MPS015272001, p46, 05 February 1991 (unsigned).
1597 Message M913, Telephone call from DS Malcolm Davidson to Alastair Morgan, MPS012973001, 26 July 1988.
1598 Message M914, Telephone call from Isobel Hülsmann to DS Malcolm Davidson, MPS012974001, 26 July 1988.
1599 Message M931, Telephone call from D/Supt Douglas Campbell to Mr D Hamilton, MPS012991001, 29 July 1988.
1600 Letter from the Crown Prosecution Service to D/Supt Douglas Campbell, MPS016341001, 12 August 1988.

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13 Failures in the handling of exhibits and other material seized during the Morgan One Investigation

966. It is apparent to anyone reviewing the papers of the Morgan One Investigation that there were failings from the beginning of the investigation in the way in which exhibits (which can be defined as evidential material secured for the purposes of an investigation) were collected and managed. In 1987, as is the case today, exhibits were required to be collected and managed to protect against contamination, or any break in the evidence of the continuity of the handling of each exhibit. Exhibits which might need to be forensically examined had to be handled promptly, and in accordance with the standard procedures.[1601] Those procedures dictated that gloves should be worn to handle exhibits, which should then be placed into bags, which should be sealed, numbered and labelled, and placed in a secure identifiable place.

967. The Exhibits Officer, in this case DC Clive Blake, was responsible for the recording, handling and management of all exhibits. He had had little training and had never previously held the role of Exhibits Officer. DC Blake was managed in his role by DS Malcolm Davidson.

968. At this time, there was a requirement that an exhibits book should be opened which should contain all the necessary identifiers for each exhibit together with details of any movement of any exhibit. In some cases, a very significant number of items might be recorded using only one exhibit number, as is common practice in the early stages of an investigation, until each item could be examined and identified as an individual exhibit, as required. The exhibits book should have recorded the final disposal of the property: whether it was returned to its owner or retained for any future investigation.

969. An exhibits book was started at some stage for the Morgan One Investigation, and some exhibits seized were recorded. The original, contemporaneous document apparently no longer exists but there is a photocopy which the Panel has seen.[1602,1603,1604,1605,1606,1607,1608] The photocopy which does exist is incomplete in that the location of items cannot always be ascertained. Exhibits are, on occasion, not listed in date order, which suggests that exhibits which had previously been seized were not immediately placed into storage and their content accurately described, so as to ensure the continuity of each exhibit.

970. Failures were identified in the management of exhibits during the Morgan One Investigation and in the years which followed. The identification of documents for the purposes of managing them, and of enabling verification of the continuity of handling, is of vital importance for any prosecution. The Panel has noted the following:

i. In some cases, one reference number was appended to two different exhibits. In others, each exhibit item was not individually identified.[1609]

ii. In some cases, the number was either incomplete or incompletely recorded.[1610]

1601 Section 22 Metropolitan Police General Orders , MPS107540001, pp132-133, paras 165-166, 1982.
1602 Exhibits Book (Exhibits 1-21, re Body of Daniel Morgan), MPS005795001, undated.
1603 Exhibits Book (Exhibits 22-33, re Southern Investigations), MPS005796001, undated.
1604 Exhibits Book (Exhibits 34-60, re Daniel Morgan's Car), MPS005797001, undated.
1605 Exhibits Book (Exhibits 61-72, re […]), MPS005798001, undated.
1606 Exhibits Book (Exhibits 73-81, re David Bray), MPS005799001, undated.
1607 Exhibits Book (Exhibits 82-144, re […]), MPS005102001, undated (although the cover states 82 to 114 the book actually runs to 144).
1608 Exhibits Book (Exhibits 145-210, re Miscellaneous Venues), MPS005801001, undated.
1609 Exhibits Book (Exhibits 1-21, re Body of Daniel Morgan), MPS005795001, pp3-16, undated.
1610 Exhibits Book (Exhibits 34-60, re Daniel Morgan's Car), MPS005797001, undated. See, eg, items 46, 47 and 48 which are given reference numbers 21, 22 and 23. They appear to be items seized by the Exhibits Officer, DC Blake.

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iii. In some cases, items were referred to by reference to a witness with no number attached.[1611]

iv. Exhibits were held in at least nine locations during the years following the murder of Daniel Morgan. Some of those locations were not secure.

v. In 2016, the Panel became aware that a Parker pen, which was recorded as having been taken from Daniel Morgan's car in March 1987, had been found. It had previously been thought that no pen had been found. It was in a police evidence bag with several other items. There was no explanation of what had happened between 1987 and 2014, when it had been brought to the attention of DS Gary Dalby.

vi. Some of the original documents which had been seized were returned to Southern Investigations.[1612] However, there is no conclusive evidence as to which of the files and other documents which had been seized were copied, and which were returned without copying. There is reference in the documentation to some files being photocopied. The Panel has seen a limited number of copies of diary entries, such as some diary pages with entries which were photocopied by the Morgan One.

vii. Exhibits were seized and returned without evidence that they had been examined. There is also, on occasion, contradictory evidence as to when they were returned.

971. DC Clive Blake's discharge of his duties as Exhibits Officer was very poor. He was responsible for the handling, labelling, management and, where appropriate, the return of exhibits to their original owner. There is no evidence of a reliable, corroborated audit trail of the seizure, retention, consideration or return of evidence.

972. DC Clive Blake was not asked to prepare a statement in relation to his exhibit handling until some 15 months after the murder, when he was no longer a member of the Morgan One Investigation, and when he and DS Malcolm Davidson were under investigation by DCS David Lamper for not dealing properly with exhibits. It was recommended by DCS Lamper that both officers should be disciplined for their failings (see paragraphs 1004-1006 below).

973. It is not possible to be definitive about exactly which documents were held by the police during the Morgan One Investigation, since not all exhibits were individually identified, and exhibits were not correctly managed. In many cases the identification of the places from which, or persons from whom, exhibits were seized was totally inadequate. The consequential loss of accountability for exhibits described is inexcusable. There was very often no evidence that any attempt was made to secure evidence from exhibits seized. Evidence which may have been available might have been missed. Attempts to use exhibits in the course of any prosecution may well have been compromised by the consequential inability of the Metropolitan Police to verify the integrity of the evidence which it sought to use. The immediate responsibility for this was that of DC Clive Blake and DS Malcolm Davidson. Ultimately these very significant failings were the responsibility of D/Supt Douglas Campbell.

1611 Exhibits Book (Exhibits 145-210, re Miscellaneous Venues), MPS005801001, undated. See items 186-194.
1612 Statement of DC Clive Blake, MPS038431001, 07 June 1988.

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14 Enquiries emanating from the Morgan One Investigation

974. In the course of the Morgan One Investigation, issues arose which required officers outside the Morgan One Investigation to deal with them. There were five such issues:

i. A request by D/Supt Douglas Campbell for a review of the Morgan One Investigation, which was subsequently carried out by DCS Douglas Shrubsole.

ii. A disciplinary investigation of the allegations against three officers in relation to Belmont Car Auctions, which led to a report by D/Supt Alec Button.

iii. An investigation into complaints made by Jonathan Rees conducted by DCS David Lamper (the 1987 Complaint Investigation).

iv. The loss by the Exhibits Officer, DC Clive Blake, of a briefcase containing investigation material. This was dealt with by DCS David Lamper.

v. An allegation that D/Supt Douglas Campbell was drunk on arrival at the crime scene on 10 March 1987.

14.1 Review of the Morgan One Investigation by DCS Douglas Shrubsole

975. On 08 October 1987, D/Supt Douglas Campbell made a decision to ask for another officer to look at the papers to '*ensure no possible leads are over-looked*'. The policy file stated that it had been agreed with Commander Alan Fry that DCS Douglas Shrubsole was '*to read papers*'.[1613]

976. DCS Douglas Shrubsole was D/Supt Douglas Campbell's line manager, and the senior detective serving on the police area where the murder of Daniel Morgan occurred. He recorded the findings of his review in a statement dated 15 June 1988, saying that in his review, which took place '*on various days*' between the 12 October 1987 and 04 December 1987, he '*examined every action, message and statement, and was satisfied that all reasonable lines of enquiry had been identified, and that the Investigation was completely thorough and professional*'.[1614]

977. Other than DCS Douglas Shrubsole's statement of 15 June 1988, the Panel has found no other record of his work on the review in the material provided to the Panel.

978. DCS Douglas Shrubsole was interviewed by the Panel and confirmed his statement but had nothing to add to it.[1615] He was unaware of any notes or papers relating to his review.

979. The only documentation surviving from the review was DCS Douglas Shrubsole's very brief statement. There were errors and omissions in the Morgan One Investigation relating, for example, to matters such as crime scene management and forensics, and which had occurred before 04 December 1987, which should have been apparent to DCS Shrubsole even at such a relatively early point after the investigation. This review was not thorough and did not reflect the evidence available to him.

1613 Decision 17 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p18, 8 October 1987.
1614 Witness statement of DCS Douglas Shrubsole, MPS003406001, 15 June 1988.
1615 Panel interview of DCS Douglas Shrubsole, p2, 6 May 2016.

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14.2 Investigation by D/Supt Alec Button

980. A disciplinary investigation into the conduct of DS Sidney Fillery, DC Alan Purvis and DC Peter Foley was established as a result of a report dated 13 April 1987 by D/Supt Douglas Campbell, concerning possible disciplinary offences committed in connection with their involvement with Belmont Car Auctions.[1616] The Investigating Officer was initially DCI Roy Sutherland. He was replaced by DCI Ernest Anderson in September 1987, and he was replaced by D/Supt Alec Button on 27 June 1988.[1617] The report of the disciplinary investigation, dated 07 October 1988, was signed by D/Supt Button.[1618]

981. The brief particulars of the matters under investigation were described in D/Supt Button's report as including:

i. allegations of the taking of paid employment at Belmont Car Auctions without authorisation;

ii. failing to notify involvement in civil proceedings;

iii. supplying confidential information to an unauthorised person;

iv. dishonest application to purchase a car; and

v. various counts of failing to account properly for entry into licensed premises, absence from duty and a false duty entry on 11 March 1987.[1619]

982. The three police officers each admitted to being present at Belmont Car Auctions on auction nights, but denied they were there on behalf of Southern Investigations, and denied being paid.[1620,1621,1622] None of the officers had been suspended from duty after their interviews in April 1987. D/Supt Alec Button found that there was no evidence that any officer had been paid for attending Belmont Car Auctions.[1623]

983. The investigation by D/Supt Alec Button also reviewed allegations that DS Sidney Fillery '*did during the course of an investigation of a murder fail to deal correctly with property handed to* [him] *by Mr NEWBY of Southern Investigations*'.[1624] This refers to the alleged disappearance of a Southern Investigations file relating to the civil action being brought by Belmont Car Auctions against Southern Investigations.

984. D/Supt Alec Button reported that DCI Ernest Anderson had attempted to interview Jonathan Rees as part of his enquiry. However, on the advice of his solicitor, Jonathan Rees had refused to be interviewed and had instructed his staff at Southern Investigations not to assist the enquiries.[1625]

1616 Report by D/Supt Douglas Campbell, MPS015847001, 13 April 1987.
1617 Report by D/Supt Alec Button; Complaint against police, MPS015801001, 07 October 1988.
1618 Report by D/Supt Alec Button; Complaint against police, MPS015801001, 07 October 1988.
1619 Report by D/Supt Alec Button; Complaint against police, MPS015801001, p3, 07 October 1988.
1620 Interview of DC Alan Purvis, MPS020644001, p54, 03 April 1987.
1621 Interview of DC Peter Foley, MPS024257001, p17, 03 April 1987.
1622 Interview of Sidney Fillery, MPS000706001, p13, 03 April 1987.
1623 Report by D/Supt Alec Button; Complaint against police, MPS015801001, p34, 07 October 1988.
1624 Metropolitan Police notice of report, allegation or complaint in respect of Sidney Fillery, MPS015767001, 05 May 1987.
1625 Report by D/Supt Alec Button; Complaint against police, MPS015801001, p14, 07 October 1988.

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985. D/Supt Alec Button examined the statements made by Peter Newby on 30 March 1987[1626] and 20 August 1988[1627] which indicated that DS Sidney Fillery removed files, and the statement by PC Stephen Thorogood on 19 May 1987,[1628] stating that DS Fillery did not remove files.

986. D/Supt Alec Button recorded that when interviewed following his arrest on 03 April 1987, DS Sidney Fillery denied that on 11 March 1987 he had taken possession of a file from Southern Investigations which related to Belmont Car Auctions.[1629]

987. The misconduct investigation against DS Sidney Fillery was discontinued when he was granted medical retirement from the Metropolitan Police on 20 March 1988. No findings were therefore made in respect of the allegations against former DS Fillery, including those in relation to his handling of material from Peter Newby. D/Supt Alec Button stated at the time of writing his report that, '[i]*t is understood that he* [former DS Fillery] *is currently employed by REES at Southern Investigations*'.[1630] D/Supt Button also stated that former DS Fillery '*has agreed that they* [Jonathan Rees and Sidney Fillery] *have been close personal friends for five years*'.[1631]

988. D/Supt Alec Button did not make a formal finding in relation to the other allegations against DS Sidney Fillery, DC Alan Purvis and DC Peter Foley. However, D/Supt Button noted that there would be sufficient evidence to support disciplinary proceedings in relation to specified allegations against DC Purvis and DC Foley, if that was considered to be the correct course of action.[1632] Those allegations did not relate to the murder of Daniel Morgan or its investigation, but were matters relating to the Belmont Car Auctions which had been identified as a possible motive for the murder.

989. D/Supt Alec Button considered that DC Alan Purvis and DC Peter Foley had suffered '*considerable personal and family trauma*' as a result of their arrests on murder charges. D/Supt Button concluded that DC Purvis and DC Foley '*should receive strong words of advice from their Chief Superintendent as to their conduct throughout this matter and their future behaviour*'. He determined that formal discipline would not be appropriate. He also recommended that before any final decision was to be made about these officers, any recommendations which might be made by DCS Alan Wheeler, who was conducting the Hampshire/Police Complaints Authority Investigation when D/Supt Button reported, should be considered.[1633]

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1626 Witness statement of Peter Newby, MPS010345001, 30 March 1987.
1627 Witness statement of Peter Newby, MPS015790001, 20 August 1988.
1628 Witness statement of PC Stephen Thorogood, MPS015791001,19 May 1987.
1629 Report by D/Supt Alec Button; Complaint against police, MPS015801001, p20, 07 October 1988.
1630 Report by D/Supt Alec Button; Complaint against police, MPS015801001, p4, 07 October 1988.
1631 Report by D/Supt Alec Button; Complaint against police, MPS015801001, pp4-5, 07 October 1988.
1632 Report by D/Supt Alec Button; Complaint against police, MPS015801001, p41, 07 October 1988.
1633 Report by D/Supt Alec Button; Complaint against police, MPS015801001, p42, 07 October 1988.

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990. D/Supt Alec Button did not articulate his analysis of the evidence available with regard to the missing Southern Investigations Belmont Car Auctions file. D/Supt Button's investigation does not provide any evidence confirming Peter Newby's assertion that DS Sidney Fillery had possession of the Belmont Car Auctions file or that he disposed of it. He makes no finding about what it was that DS Fillery had done, yet he said that, had he still been a serving officer, his conduct '*would have merited serious consideration for formal discipline*'.[1634] The consequence is that it is not possible to establish precisely what elements of DS Fillery's conduct would have merited serious consideration for disciplinary action.

14.3 The 1987 investigation into complaints made by Jonathan Rees

991. A formal complaint was made by Jonathan Rees on 08 December 1987 by way of letter from his solicitors to DCS Douglas Shrubsole.[1635] By agreement with Jonathan Rees, no initial action was taken until the conclusion of the Inquest.[1636] DCS David Lamper of the Complaints Investigation Bureau (CIB) then investigated and reported his findings on 17 November 1988. The formal complaint made in December 1987 referred to a previous letter sent on 30 April 1987 by solicitors acting for Jonathan Rees to D/Supt Douglas Campbell.[1637] According to the 1988 Complaint Investigation Report, the solicitors queried '*the necessity for and methods used to obtain search warrants*', and condemned '*the fact that he had been arrested and his alleged treatment*'. The 1988 Complaint Investigation Report suggested that the main reason for the letter was to seek the return of certain documents allegedly seized from Jonathan Rees's business premises.[1638]

992. Jonathan Rees's statement of complaint was completed on 31 May 1988.[1639] He complained about the way the murder of Daniel Morgan was investigated and about the manner in which he had been treated by D/Supt Douglas Campbell and DI Allan Jones. Jonathan Rees had previously complained about police and at the Inquest.[1640]

993. On 25 July 1988, Jonathan Rees made further allegations against D/Supt Douglas Campbell and DI Allan Jones of conspiracy to pervert the course of justice and perjury, by way of withholding information from the Coroner.[1641]

994. In the introductory statements to his 1988 Complaint Investigation Report, DCS David Lamper mentioned that Jonathan Rees had many friends in the Metropolitan Police and was in very close contact with former DS Sidney Fillery.[1642] DCS Lamper remarked that as a consequence of this, Jonathan Rees would have heard of various matters both in relation to the murder enquiry and the investigation of the complaint, and:

1634 Report by D/Supt Alec Button; Complaint against police, MPS015801001, p42, 07 October 1988
1635 Letter from Rowe Radcliffe Wilkinson Re formal complaint made by William Jonathan Rees in relation to the treatment received at the hands of officers following the murder of Daniel Morgan, MPS037129001, 08 December 1987.
1636 Report by DCS David Lamper; Complaint against police, MPS020556001, p7, 17 November 1988.
1637 Letter re Rees from Rowe Radcliffe & Co to D/Supt Douglas Campbell, MPS011233001, pp2-4, 30 April 1987.
1638 Report by DCS David Lamper; Complaint against police, MPS020556001 p7, 17 November 1988.
1639 Witness statement of Jonathan Rees, MPS001761001, 31 May 1988.
1640 Report by DCS David Lamper; Complaint against police, MPS020556001, pp7-8, 17 November 1988.
1641 Report by DCS David Lamper; Complaint against police, MPS020556001, p8, 17 November 1988.
1642 Report by DCS David Lamper; Complaint against police, MPS020556001, p8, 17 November 1988.

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'He [Jonathan Rees] *has contacted both myself (Detective Chief Superintendent LAMPER) and my assistant Detective Sergeant* […] *with information he has received to assist us in our enquiries but has declined to name his sources. As a result there are some aspects which can not be totally dealt with in a satisfactory manner."*[1643]

995. Jonathan Rees's individual complaints involved criminal allegations, allegations of breach of police discipline and ancillary matters. The complaints contained allegations against several other police officers, including WDS Christine Fowles, DC Clive Blake, DC Donald Leslie, DC David Hall, DC Kinley Davies, DS Malcolm Davidson, DCI Ernest Anderson and WDC Julie Benfield.[1644] In all, ten officers were the subject of complaint by Jonathan Rees.

996. DCS David Lamper considered particular matters in his investigation. These included:

i. forensic examination of the crime scene;[1645]

ii. media coverage of the murder of Daniel Morgan and the circumstances surrounding his death;[1646]

iii. Southern Investigations; [1647]

iv. the involvement of police officers with Belmont Car Auctions;[1648]

v. what happened when Jonathan Rees attended at Catford Police Station on the evening of 10 March 1987;[1649]

vi. the arrest of Jonathan Rees on 03 April 1987;[1650]

vii. the Malta line of enquiry;[1651] and

viii. the Coroner's Inquest into the death of Daniel Morgan.[1652]

997. All but one of the allegations made by Jonathan Rees were either withdrawn or found to be unsubstantiated. The only complaint substantiated related to the handling of evidence by DC Clive Blake, and the supervision and handling of property by DS Malcolm Davidson, his line manager.

998. DCS David Lamper examined the handling of property and identified the following failures to deal with property correctly:

(a) failure to account for all property coming into police possession in the property register or other recognised property documents

(b) failing to safeguard such property

1643 Report by DCS David Lamper; Complaint against police, MPS020556001, p8, 17 November 1988.
1644 Report by DCS David Lamper; Complaint against police, MPS020556001, pp3-4, 17 November 1988.
1645 Report by DCS David Lamper; Complaint against police, MPS020556001, p38, 17 November 1988.
1646 Report by DCS David Lamper; Complaint against police, MPS020556001, pp9-10, 17 November 1988.
1647 Report by DCS David Lamper; Complaint against police, MPS020556001, p10, 17 November 1988.
1648 Report by DCS David Lamper; Complaint against police, MPS020556001, pp13-14, 17 November 1988.
1649 Report by DCS David Lamper; Complaint against police, MPS020556001, pp30-33, 17 November 1988.
1650 Report by DCS David Lamper; Complaint against police, MPS020556001, p28, 17 November 1988.
1651 Report by DCS David Lamper; Complaint against police, MPS020556001, p20, 17 November 1988.
1652 Report by DCS David Lamper; Complaint against police, MPS020556001, p7, 17 November 1988.

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(c) *failing to ensure proper, unambiguous receipts for property*

(d) *Altering property receipts by adding additional items after the recipient had signed for the property*

(e) *failing to restore property expeditiously as decreed in the Police and Criminal Evidence Act."*[1653]

999. DCS David Lamper stated that DC Clive Blake '*was wrongly advised on how to deal with documents comin* [sic] *into his possession*' and that decisions about how property should be dealt with were made by DS Malcolm Davidson.[1654] As an example, DCS Lamper described two entries in the property register, showing '*twenty three and thirty one files respectively*',[1655] which were received from Southern Investigations on 30 and 16 March 1987, respectively.[1656] They were shown as having been returned to Southern Investigations on 23 December 1987.[1657] DCS Lamper stated:

> *'It is impossible to identify an individual file from these fifty-four, let alone be reasonably sure that those returned were in fact the original ones seized. From consulting other documents one can say that a certain file has been in police possession but it is impossible to say who produced it, when it was received or when it was returned."*[1658]

1000. DCS David Lamper stated that '[t]*he safety of the documents was pointed out to D.S. DAVIDSON who said that anyone wishing to see another document would have to consult him or an indexer. The office was locked at all times when unattended*.'[1659] DCS Lamper recorded that DC Clive Blake admitted '*that property was held for far too long* [...] *He was not prepared to return items unless directed to do so by the office manager*', and that DS Malcolm Davidson '*admits that he was at fault in this respect*'.[1660]

1001. DCS David Lamper stated that '[h]*ad a successful prosecution of this case relied upon documentary exhibits, then failure would have been the inevitable result. There are so many errors in the records relating to property that one can have no confidence in the record as a whole.*'[1661]

1002. DCS David Lamper reported that, on the surface, the actions of DC Clive Blake called for disciplinary action. He also stated that the manner in which he had acted was '*difficult to defend*'.[1662]

1003. DCS David Lamper stated that in reaching his recommendation he considered the following points:

(a) *'He is young in service and this is the first time he has undertaken this role in a major enquiry.*

(b) *He was wrongly advised and poorly supervised.*

1653 Report by DCS David Lamper; Complaint against police, MPS005459001, p69, 17 November 1988.
1654 Report by DCS David Lamper; Complaint against police, MPS005459001, p69, 17 November 1988.
1655 Report by DCS David Lamper; Complaint against police, MPS005459001, p70, 17 November 1988.
1656 Exhibits Book for 'Operation Morgan' (Morgan One Investigation): [...]; items 122-123, MPS005800001, p34, undated.
1657 Exhibits Book for 'Operation Morgan' (Morgan One Investigation): [...]; items 122-123, MPS005800001, pp34-35, undated.
1658 Report by DCS David Lamper; Complaint against police, MPS005459001, p70, 17 November 1988.
1659 Report by DCS David Lamper; Complaint against police, MPS005459001, p70, 17 November 1988.
1660 Report by DCS David Lamper; Complaint against police, MPS005459001, p71, 17 November 1988.
1661 Report by DCS David Lamper; Complaint against police, MPS005459001, p71, 17 November 1988.
1662 Report by DCS David Lamper; Complaint against police, MPS005459001, p72, 17 November.

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(c) *He is slow of thought, still totally confused as how to handle property in a major investigation and seems completely incapable of understanding the seriousness of the situation he allowed to develop.*

(d) *I believe, though unable to prove completely, that all property in the case was restored to its rightful owners. As previously stated I have no reason whatsoever to doubt his honesty.'*[1663]

1004. DCS David Lamper recommended that '*D.C. BLAKE's training needs are examined and he receives strong words of advice*'.[1664]

1005. While finding that he did not doubt the honesty of DS Malcolm Davidson and DC Clive Blake, DCS David Lamper recommended that DS Davidson '*be given words of advice concerning the supervision and handling of property*'. DCS Lamper stated that DS Davidson '*gave the wrong advice concerning how documents should be handled; he should have realised the dangers of "bulk entries" in a property book and he most certainly should have ensured that property was expeditiously returned to its owner*'. DCS Lamper went on to say, '[t]*he aforementioned discrepancies in receipts would not have come to light without a very detailed look at the property records. As he* [DS Davidson] *had no reason to believe such an examination was necessary, I find no fault in this respect.'*[1665]

1006. Despite the issues that DCS Lamper identified, he said that he was '*satisfied totally*' that DS Davidson and DC Blake '*dealt with property in a completely honest, if novel way*'.[1666]

1007. DCS David Lamper's conclusion that he was '*satisfied totally*' that DS Malcolm Davidson and DC Clive Blake '*dealt with property in a completely honest, if novel way*' was unsupported by the evidence available, as there is nothing to prove either honest or dishonest dealing with the exhibits. DCS Lamper was correct in saying that '[h]*ad a successful prosecution of this case relied upon documentary exhibits, then failure would have been the inevitable result. There are so many errors in the records relating to property that one can have no confidence in the record as a whole.*' This accurately describes the fact that the process of exhibit handling and management was gravely flawed and that this would have been catastrophic in the event of an attempt to use the evidence in a trial.

1008. DCS David Lamper acknowledged that, in reviewing the Morgan One Investigation, DCS Douglas Shrubsole '*was satisfied that all reasonable lines of enquiry had been identified and that the investigation was completely thorough and professional*'.[1667]

1009. No reference was made by DCS Lamper to the fact that at best DCS Douglas Shrubsole's review covered only the period from 10 March 1987 to 04 December 1987.

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1663 Report by DCS David Lamper; Complaint against police, MPS005459001, p72, 17 November 1988.
1664 Report by DCS David Lamper; Complaint against police, MPS005459001, p72, 17 November 1988.
1665 Report by DCS David Lamper; Complaint against police, MPS005459001, pp71-72, 17 November 1988.
1666 Report by DCS David Lamper; Complaint against police, MPS005459001, p71, 17 November 1988.
1667 Report by DCS David Lamper; Complaint against police, MPS005459001, p17, 17 November 1988.

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1010. DCS David Lamper reached his conclusions about the review conducted by DCS Douglas Shrubsole on the basis of looking at a '*random sample of messages and "actions"*'[1668] and examining '*the specific allegations made to illustrate the overall complaint in detai*".[1669] DCS Lamper found that '*the general complaint of lack of proper investigation* [should] *be recorded as unsubstantiated*'.[1670]

1011. The Panel disagrees with DCS David Lamper's finding in this matter.

1012. It was not appropriate for DCS Lamper to endorse DCS Douglas Shrubsole's review in the way that he did, as DCS Shrubsole's review was completed on 04 December 1987 while the Morgan One Investigation had not yet finished. Moreover, DCS Lamper had not examined all areas of the investigation which was conducted by D/Supt Douglas Campbell and reviewed by DCS Shrubsole. He was not in a position, therefore, to comment on the whole conduct of the investigation. In addition, DCS Lamper's judgement that a prosecution of the case based upon documentary exhibits would have failed, runs contrary to DCS Shrubsole's view that the Morgan One Investigation was '*completely thorough and professional*'.

15 Investigation into the loss by the Exhibits Officer DC Clive Blake of a briefcase containing investigation material

1013. On 31 July 1988, a member of the public contacted the Metropolitan Police reporting that while clearing out his garage, he had found a briefcase containing police property which had not been there when he moved into the premises in August 1987.[1671] A police officer from Croydon[1672] attended and collected the briefcase which contained:

'One (1) black Samsonite Case

Fifteen (15) Met Photographs in folder taken 11.3.87

One (1) "Appeal for assistance" Poster re murder of Daniel MORGAN

One (1) CID report book name of C blake [sic]

One (1) Photo at rear of report book

One (1) Folder containing Actions by D.C.Blake

1668 Report by DCS David Lamper; Complaint against police, MPS005459001, p57, 17 November 1988.
1669 Report by DCS David Lamper; Complaint against police, MPS005459001, p57, 17 November 1988.
1670 Report by DCS David Lamper; Complaint against police, MPS005459001, p57, 17 November 1988.
1671 Incident printout detailing the finding of a briefcase containing a police officer's property, MPS017082001, 31 July 1988.
1672 Action A1703, *'Arrange via Detective Ch Inspector at ZD that briefcase of D/C BLAKE which has been retained there is examined for fingerprints'*, MPS014765001, 01 August 1988.

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Unused Met police memo pads

One (1) Blue Folder Court Papers and one (1) Pen

Eight (8) Pens

One (1) Enlistment Questionnaire

Quantity of corres [correspondence]

One (1) empty memo book

One (1) Rolex information book

ONE (1) Chancery club membership form."[1673]

1014. It was established that the Samsonite briefcase belonged to DC Clive Blake, and that it had been reported by him as being stolen from his car on 21 October 1987. He had not reported the full missing contents.[1674]

1015. Fifteen Metropolitan Police photographs of Daniel Morgan's body, taken at the scene of his murder,[1675] were recovered in the briefcase from the garage. The available evidence, from the officers who attended the scene of Daniel Morgan's murder and the photographs disclosed to the Panel, records that only five official photographs were taken. The material disclosed to the Panel does not reveal whether the additional ten photographs were copies, or if they were unique. At the bottom of the report by a Detective Inspector to the Chief Superintendent at Croydon about the finding of the briefcase, a note handwritten by D/Supt Alec Button stated the following: '[c]*learly a lot of questions are raised by this find, which is passed to you for action appropriate. No other action is being taken at ZD* [Croydon].'[1676]

1016. On 01 August 1988, D/Supt Douglas Campbell was notified by D/Supt Alec Button about the recovered briefcase and confirmed that DC Clive Blake had been serving on the Morgan One Investigation,[1677] and said that he, DI Allan Jones and DS Malcolm Davidson had not been informed about the loss of the investigation material by DC Blake.[1678]

1017. DS Malcolm Davidson established that DC Clive Blake had reported the theft of the briefcase, but not its contents, on 22 October 1987, while DC Blake was serving as Exhibits Officer to the Morgan One Investigation.[1679] D/Supt Douglas Campbell advised that DCS David Lamper of the Complaints Investigation Bureau (CIB) should deal with it, as he was investigating complaints by Jonathan Rees about the loss of documents (among other allegations).[1680] However, DCS Lamper and Commander Kenneth Merton referred the matter for local investigation.[1681]

1673 Book entry relating to police documents found in garage [...], MPS017081001, p1, 31 July 1988.
1674 Report by Supt Jack Cooper to DCS 3 Area through D/Supt Douglas Campbell, MPS017078001, pp1-3, 10 August 1988.
1675 Book entry relating to police documents found in garage [...], MPS017080001, p1, 31 July 1988.
1676 Report by a Detective Inspector, Police documents found in a garage in Croydon, MPS017080001, p1, 31 July 1988.
1677 Message M938 from D/Supt Alec Button to D/Supt Douglas Campbell, MPS012998001, 01 August 1988.
1678 Message M941 from D/Supt Douglas Campbell to D/Supt Alec Button CIB (Complaints Investigation Bureau), MPS013001001, p1, 01 August 1988.
1679 Message M940 from DS Malcolm Davidson to ZD [Croydon] Motor Vehicle Crime Desk, MPS013000001, 01 August 1988.
1680 Message 941 from D/Supt Douglas Campbell to D/Supt Alec Button CIB (Complaints Investigation Bureau), MPS013001001, p1, 01 August 1988
1681 Message 943 from D/Supt Alec Button to D/Supt Douglas Campbell, MPS013003001, 01 August 1988.

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1018. On 08 August 1988, Supt Jack Cooper of Croydon Police Station showed the briefcase and contents to DC Clive Blake, who identified the briefcase as his property. There are no records indicating that DC Blake was formally interviewed as part of the '*limited investigation*' described by Supt Cooper.[1682] There is no evidence that DC Blake was served with a notice under the Police (Discipline) Regulations 1985 which were in force at the time. The Regulations define an offence of damage to police property:

> '*... offence is committed where a member of a police force –*
>
> (a) *wilfully or through lack of due care causes any waste, loss or damage to any police property, or*
>
> (b) *fails to report as soon as is reasonably practicable any loss of or damage to any such property issued to, or used by him, or entrusted to his care.*'[1683]

1019. DC Clive Blake stated that the theft of the contents of the briefcase was not reported because he was not sure what documents were missing.[1684] Supt Jack Cooper concluded that '[f]*rom my limited investigation I do not feel that there is anything sinister or corrupt in this matter*' and that '*D.C. BLAKE decided to keep quiet and hope that the matter would never come to light*'.[1685]

1020. The original crime report stated that the theft of a briefcase occurred on 21 October 1987 between 2.00 pm and 3.30 pm and that the theft was reported on the following day at 11.49 am. It listed the missing property as an umbrella, a briefcase, and '*corres*' [correspondence] (presumably contained in the briefcase).[1686] The theft or loss of official police documents was not reported, and no further details about the contents of the briefcase were provided.

1021. Supt Jack Cooper submitted his report to '*Detective Chief Superintendent, 3 Area (through Detective Superintendent CAMPBELL)*' for '*any further action you consider necessary*'. There is no evidence that any further action was taken. DC Clive Blake had been transferred to another posting on 04 July 1988.[1687]

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1682 Report by Supt Jack Cooper to DCS 3 Area through D/Supt Douglas Campbell MPS017078001, pp3-5, 10 August 1988.
1683 Regulation 4(1), Schedule 1, The Discipline Code, The Police (Discipline) Regulations 1985, paragraph 12(a), (b); available at www.legislation.gov.uk/uksi/1985/518/pdfs/uksi_19850518_en.pdf; accessed 07 June 2017.
1684 Report by Supt Jack Cooper to DCS 3 Area through D/Supt Douglas Campbell, MPS017078001, p3, 10 August 1988.
1685 Report by Supt Jack Cooper to DCS 3 Area through D/Supt Douglas Campbell, MPS017078001, p5, 10 August 1988.
1686 Crime Report No 3845, MPS017084001, p1, 22 October 1987.
1687 Report by Supt Jack Cooper to DCS 3 Area through D/Supt Douglas Campbell, MPS017078001, p1-5, 10 August 1988.

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1022. There is no evidence of a full investigation, and therefore no material upon which to reach the conclusion that there appeared to be '*anything sinister or corrupt in this matter*'. In any event, the issue is not simply whether there was '*anything sinister or corrupt*'.

There is no detailed explanation of the content of the papers found in the briefcase, particularly the blue file of court papers, or the '*correspondence*'. Supt Jack Cooper was not involved in the investigation of Daniel Morgan's murder and would not necessarily have known the significance of the documents found in the briefcase, other than the photographs. The Panel cannot, therefore, accept the assertion made that the lost documents were '*of minor importance*'. The Panel is aware that DC Clive Blake was involved in, among other things, handling forensics reports, investigating the plaster on the axe, the Malta enquiry, allegations of corruption, matters relating to DC Duncan Hanrahan, and analysis of telephone calls relating to Jonathan Rees. Any access by the public to information regarding any of these matters could have seriously compromised the investigation.

The Panel is concerned that senior officers who did have an awareness of the Morgan case, such as D/Supt Campbell, did not appear to recognise or assess the potential importance of the documents lost.

1023. Supt Jack Cooper did not make any reference to the risk that the member of the public who found the briefcase had seen or might have seen distressing and highly sensitive photographs taken at the scene of Daniel Morgan's murder, and other potentially highly sensitive material; nor that they might have read the documentation contained in the briefcase or shared the information within.

1024. DC Clive Blake knew that there were papers and other material from the Morgan One Investigation in the briefcase, and he must have known that he had a duty to report their loss to the Motor Vehicle Crime Desk and to D/Supt Douglas Campbell.

1025. It is clear that the Police (Discipline) Regulations 1985 were not applied in this case.

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1026. This matter was not dealt with appropriately by the Metropolitan Police. The failure to report a loss of property relating to a criminal investigation should have led to disciplinary action being taken.

16 The allegation that D/Supt Douglas Campbell was drunk on arrival at the crime scene on 10 March 1987

1027. It has been alleged that D/Supt Douglas Campbell was drunk when he arrived at the Golden Lion public house on the night of Daniel Morgan's murder, and that, while he was there, he demanded a bottle of whisky from the bar.

1028. This allegation was first articulated at the Inquest into Daniel Morgan's death, on 15 April 1988. Alastair Morgan told the Coroner that on the day following Daniel Morgan's murder, he met Jonathan Rees with Iris Morgan's brother-in-law, and that Jonathan Rees had made an allegation that D/Supt Douglas Campbell was '*a drunk*'.[1688] June Tweedie, who represented members of Daniel Morgan's family, cross-examined Jonathan Rees at the Inquest and asked him whether he had alleged that D/Supt Campbell was drunk. Jonathan Rees replied that he '*certainly did not*'. Jonathan Rees also denied meeting Alastair Morgan and Iris Morgan's brother-in-law on the day following Daniel Morgan's murder.[1689]

1029. During the Morgan One Investigation, DC Duncan Hanrahan had been tasked by D/Supt Douglas Campbell to report on any conversations he had with Jonathan Rees.[1690] On 10 June 1987, following a meeting he had with Jonathan Rees, DC Hanrahan said that Jonathan Rees had told him that there would be a story in *'the Mail'* and that it would be:

> *'that the senior Officers i.e. Mr CAMPBELL and Mr JONES were spending their time drinking and were drunk daily. He said he had been told that Mr CAMPBELL had bottles "clinking" in his* [illegible] *when he went to the meeting this morning and was very "hung over" if not still drunk."*[1691]

No such report appeared.

1030. The Panel finds that the only specific allegation that D/Supt Douglas Campbell was drunk at the scene of Daniel Morgan's murder came from DC Noel Cosgrave some 15 years later, in a statement made to the Morgan Two Investigation in 2002. He stated that:

> *'Detective Superintendent Dougie Campbell then arrived at the scene and immediately entered the bar area and ordered a bottle of scotch. I then approached him at the bar and noticed that he was already inebriated. I suggested that he hand the case over to another senior officer. He didn't take kindly to my words and told me to leave."*[1692]

1688 Witness Alastair Morgan, examined by the Coroner, Transcripts of the Inquest into Daniel Morgan's death, Inquest Day Five, INT000005001, p11, 15 April 1988.
1689 Witness Jonathan Rees, cross-examined by June Tweedie, Transcripts of the inquest into Daniel Morgan's death, INT000008001, p92, Inquest Day Eight, 25 April 1988.
1690 Witness DS Duncan Hanrahan examined by the coroner; Transcript of the Inquest into the death of Daniel Morgan, INT000004001, p57, Inquest Day Four, 14 April 1988.
1691 Document 2727 by DC Duncan Hanrahan regarding a meeting with Jonathan Rees, MPS007071001, p3, 10 June 1987.
1692 Witness statement of Noel Cosgrove, MPS000158001, p1, 06 August 2002.

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1031. He stated: '*I then left the scene in company with PC HART.*'[1693] It is not known at what time DC Noel Cosgrave left the murder scene.

1032. DC Noel Cosgrave did not make the allegation that D/Supt Douglas Campbell was drunk on the night of Daniel Morgan's murder in any of his earlier statements.

1033. The allegation of drunkenness was repeated by the Defence in a pre-trial hearing in the case of R v Rees and others at the Central Criminal Court in September 2009.[1694]

1034. To the extent that it was able to do so, the Panel has enquired into this serious allegation. In November 2014, the Panel interviewed former DS Malcolm Davidson and asked him about it. He stated categorically that D/Supt Douglas Campbell was not drunk at the scene.[1695]

1035. In interview with the Panel, former D/Supt Douglas Campbell denied the allegations and referred to the effect online articles published during the Autumn of 2014 relating to this allegation had had on him and his family.[1696] In 2020, former D/Supt Campbell stated to the Panel that he refutes entirely any suggestion that he was intoxicated on the night of the murder.

1036. The source of the general allegation of D/Supt Douglas Campbell's drinking habits appears to be Jonathan Rees, who was not at the murder scene when D/Supt Campbell arrived. D/Supt Campbell also interviewed Jonathan Rees at the police station for a period during the early hours of 11 March, and Jonathan Rees made no allegation of D/Supt Campbell showing evidence of being under the influence of alcohol during their exchange.

1037. Other than DC Noel Cosgrave's statement, there is no information to support the allegation that D/Supt Douglas Campbell was drunk at the scene of the murder.

17 The closing down of the Morgan One Investigation

1038. As stated above, the staffing levels on the Morgan One Investigation were recorded by D/Supt Douglas Campbell as '*having been reduced and increased according to workload*'.[1697] In particular, the Panel has noted the following:

i. On 16 March 1987, DS Sidney Fillery and Catford Crime Squad officers were returned to normal duties.

ii. On 16 April 1987, DC Donald Leslie was returned to normal duties.

iii. On 27 April 1987, D/Supt Campbell returned all officers '*to early and late duties*' (thereby limiting the hours which they could work) '*until further notice*'. The reason given was '[m]*onetary budget*'.[1698]

1693 Witness statement of Noel Cosgrove, MPS000158001, p1, 06 August 2002.
1694 Defence Argument in Support of an Application to Stay for Abuse of Process, R -v- Glenn VIAN and Others, Central Criminal Court, CLA000028001, p9, 18 September 2009.
1695 Panel interview with former DS Malcolm Davidson, p2, 10 November 2014.
1696 Panel interview with former D/Supt Douglas Campbell, p1, 11 February 2015.
1697 Decisions 13, 14, 20, 22, 25, 26 and 30 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, pp14, 15, 21, 23, 26, 27 and 31, 04 August, 15 September 1987 and 25 January, 22 February, 13 May and 31 August 1988.
1698 Decision 9 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p10, 27 April 1987.

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iv. On 10 August 1987, four officers were scheduled to return to normal duties because there was '[i]*nsufficient information coming into Incident Room to keep* [...] *officers fully employed*'.[1699]

v. On 21 September 1987, two officers joined the Morgan One Investigation.[1700]

vi. On 04 January 1988, one officer was returned to normal duties.[1701]

vii. On 25 January 1988, two further officers were returned to normal duties because of '[r]*eduction in workload. Officers also required for major incident at Erith*'.[1702]

viii. On 22 February 1988, two further officers were returned to normal duties because of the reduction in workload.[1703]

ix. On 25 April 1988, one officer left because they were required '*on MD*[1704] *incident*'.[1705]

x. On 13 May 1988, a decision was made that '*unless any other information comes to notice enquiry will be terminated* [...] *D.S. Davidson to arrange closure of incident room*.'.[1706]

xi. On 16 May 1988, one officer returned to normal duties.[1707]

xii. On 30 May 1988, two officers, including the Exhibits Officer, returned to normal duties.[1708]

1039. At this point the Morgan One Investigation was still an open investigation. On 01 September 1988, DI Allan Jones returned to normal duty.[1709] On 20 January 1989, after the Hampshire/Police Complaints Authority Investigation had requested copies of certain documentary exhibits seized when Jonathan Rees was arrested on 03 April 1987, it was realised that they had not been examined, and a final investigative decision to examine them was recorded.[1710] Nothing in the material provided to the Panel suggests that any such examination occurred.

1040. On 03 February 1989, D/Supt Douglas Campbell recorded that '[o]*n Wednesday 1st February 1989 I was informed by the Daily Mirror through* [...] *3 Area Press Office, that 3 persons were in custody* [...] *in relation to this murder*'. (This referred to the arrests of Jonathan Rees, Paul Goodridge and Jean Wisden on 31 January 1989 by the Hampshire/Police Complaints Authority Investigation; see Chapter 3). D/Supt Campbell had been unaware of the arrests. [1711]

1699 Decision 13 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p14, 04 August 1987.
1700 Decision 14 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p15, 15 September 1987.
1701 Decision 20 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p21, 25 January 1988.
1702 Decision 20 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p21, 25 January 1988.
1703 Decision 22 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p23, 22 February 1988.
1704 MD refers to the Southwark borough of the Metropolitan Police area.
1705 Decision 24 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p25, 25 April 1988.
1706 Decision 26 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p27, 13 May 1988.
1707 Decision 25 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p26, 13 May 1988.
1708 Decision 26 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p27, 13 May 1988.
1709 Decision 30 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p31, 31 August 1988.
1710 Decision 32 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p33, 20 January 1989.
1711 Decision 33 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p34, 03 February 1989.

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1041. D/Supt Douglas Campbell also recorded on 03 February 1989 that he had been informed that it had previously been decided that D/Supt Alan Lewis of the Metropolitan Police would assist DCS Alan Wheeler, and that it had been agreed between the Police Complaints Authority (Roland Moyle) and the Metropolitan Police that Hampshire Constabulary '*would now deal with the murder investigation*'.[1712]

1042. The final entry in D/Supt Douglas Campbell's Policy File was made on 07 February 1989, when a decision was made to hand all documents to Hampshire Constabulary.

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1712 Decision 33 of Policy File for the Case of Daniel Morgan (Morgan One Investigation), MPS004821001, p34, 03 February 1989.

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Chapter 2: The Inquest

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3 **Inquest hearing**

1 Introduction

1. D/Supt Douglas Campbell, the Senior Investigating Officer of the Morgan One Investigation, submitted his report to the Crown Prosecution Service for charging advice on 22 January 1988 (see Chapter One, The Morgan One Investigation). On 22 March 1988 the Crown Prosecution Service advised that there was no reasonable prospect of prosecuting the six suspects arrested by the Morgan One Investigation in connection with the murder of Daniel Morgan. Sir Montague Levine, the Coroner for Inner South London, proceeded to schedule the Inquest. The Inquest into the murder of Daniel Morgan was held at Southwark Coroner's Court and lasted eight days between 11 and 25 April 1988, when the jury delivered its verdict.

2. In structuring the Inquest, the Coroner relied on the motives for murder hypothesised in D/Supt Douglas Campbell's report of 22 January 1988. Thirty-four witnesses were identified to be called to give evidence, two of whom were subsequently excused on medical grounds from attending. During the first day of the Inquest, one witness gave evidence which proved extremely upsetting for the family of Daniel Morgan. The family had not been forewarned and heard the allegations for the first time in the Coroner's Court.

1.1 Chronology of key events relating to the Inquest

- **13 March 1987** The Inquest was opened and immediately adjourned.
- **03 April 1987** Six suspects were arrested in connection with the murder of Daniel Morgan.
- **22 March 1988** Advice was received from the Crown Prosecution Service that there was no reasonable prospect of conviction of those who had been arrested in connection with the murder of Daniel Morgan.
- **11 April to 25 April 1988** Evidence was heard over the course of eight days with a jury and presided over by the Coroner, Sir Montague Levine.
- **25 April 1988** The jury delivered its verdict that Daniel Morgan had been unlawfully killed.

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2 The importance of inquests

3. Inquests into violent or unnatural deaths are an important means of fulfilling the state's obligation in relation to protection of the right to life under common law in England and Wales and under international law, and specifically the obligation to mount an effective investigation. The United Kingdom's ratification of the European Convention on Human Rights obliges it to *'secure to everyone within their jurisdiction the rights and freedoms defined in* [the] *Convention'* and to protect the *'right to life'*.[1] The UK's legal obligations under the Convention existed from 1953 when the treaty entered into force,[2] and therefore applied at the Inquest into Daniel Morgan's death. The jurisprudence in this regard has since developed to include the duty to carry out an effective investigation,[3] but this duty had not yet been articulated at the time of Daniel Morgan's death.

2.1 The roles of the Coroner and of the jury

4. A Coroner's inquest is an inquisitorial process, as opposed to that of a criminal trial which is adversarial by nature; in other words, an inquest is a fact-finding exercise and not a method of apportioning guilt.[4] In 1987, the role of the Coroner included, as it does today, a duty to register the death[5] and to convene an inquest as a public hearing[6] with a view to establishing:

a. who the deceased was;

b. how, when and where they died; and

c. the particulars required by the Registration Act to be registered concerning the death.[7]

Neither the Coroner nor the jury were permitted to express opinion on any other matter.[8]

5. Although in England and Wales all inquests were originally conducted with a jury,[9] the Coroners (Amendment) Act 1926 gave the Coroner the option to proceed without one unless, as in this case, there was reason to suspect certain factors regarding the death(s).[10] Since the Inquest into the death of Daniel Morgan, the law on the use of juries has changed. Following the introduction of the Coroners and Justice Act 2009, inquests are now required to be held without a jury except in certain circumstances.[11]

6. The role of the jury is to hear the evidence and deliver a verdict as to how the deceased died. Since 1977, juries have been specifically prohibited from finding any person guilty of murder or manslaughter.[12] In 1988, there was not yet the possibility for the jury to deliver a narrative verdict, which would have allowed more opportunity for explanatory comment about the jury's determination. Narrative verdicts were one of the significant changes to the inquest system introduced in 2004, as a result of a judgment of the House of Lords. In a case calling for

1 In accordance with articles 1 and 2 respectively of the European Convention on Human Rights 1950.
2 The Convention entered into force on 03 September 1953 and the legal obligations under the Convention were incorporated into domestic law on the introduction of the Human Rights Act 1998 in 2000.
3 *McCann and others v. the United Kingdom (Application no. 18984/91)*, 27 September 1995, paragraph 161.
4 *R V South London Coroner, ex parte Thompson* [1982] 126 SJ 625.
5 See The Coroners Rules 1984, Rule 29.
6 See The Coroners Rules 1984, Rule 17, although an exception applies where there is an issue of national security.
7 See The Coroners Rules 1984, Rule 36(1).
8 See The Coroners Rules 1984, Rule 36(2).
9 See Coroners Act 1887, s.3(1).
10 See Coroners (Amendment) Act 1926, s.13.
11 See the Coroners and Justice Act 2009, s.7.
12 See Criminal Law Act 1977, s.56(1).

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a narrative verdict, the duty of the Coroner to establish how the deceased came by his death[13] was to be interpreted in a broader sense, '*as meaning not simply "by what means" but "by what means and in what circumstances"'.*[14] The jury at the Inquest into the death of Daniel Morgan could have returned an open verdict (where there is insufficient evidence for any other verdict) or a verdict of unlawful killing. On 25 April 1988, the jury returned a verdict that Daniel Morgan had been '*unlawfully killed*'.[15]

7. The Coroner's court is subject to its own rules and procedures.[16] The Coroner's role was, and still is, to preside over the inquest, with broad discretion concerning many aspects of the proceedings, including:

- who should appear as a witness;
- who should be considered an interested person;
- which statements by absent witnesses should be allowed to be read into the record;
- what the order of proceedings should be; and
- when the jury should retire during submissions or discussions involving the Coroner and representatives of interested persons.

2.2 The Coroner's Officer and other support

8. The Coroner is assisted by a Coroner's Officer, whose role includes supplying information, documentation and exhibits, organising the attendance of witnesses, and other operational matters. At the time of Daniel Morgan's Inquest, it was standard practice for a police officer to fulfil the role of Coroner's Officer, and a Police Constable carried out this task.

9. In homicide cases, the Coroner also relies in practice on the Senior Investigating Officer in charge of the police investigation, who often briefs the Coroner on the investigation. The Senior Investigating Officer provides reports indicating lines of enquiry and the primary direction of the police investigation, including lists of witnesses and statements. For the Inquest into the death of Daniel Morgan, D/Supt Douglas Campbell, the Senior Investigating Officer in charge of the Morgan One Investigation, carried out this role. D/Supt Campbell provided his report to Sir Montague Levine, and to the Metropolitan Police Solicitors Department, on 22 January 1988.

10. At times, Sir Montague Levine tried to find answers himself: for example, by attending the crime scene to take photographs and by attempting to travel and time the journey which was allegedly taken by Daniel Morgan's business partner, Jonathan Rees, on the night of Daniel Morgan's death. The Coroner also asked for further information from the ongoing Morgan One Investigation, which he was entitled to do.

11. In 1988, even when there were suspicions of police involvement in the murder and/or of police obstruction in the murder investigation, it was usual practice for the police to provide information to support a Coroner. No alternative arrangements, independent of the police, were routinely available to the Coroner at the time. The difficulty faced by the Coroner at the Inquest into the death of Daniel Morgan was that the police force which was providing information to him to help inform his decision, the Metropolitan Police, also contained members and/or former

13 See The Coroners Rules 1984, Rule 36 (1)(b).
14 R v. HM Coroner for West Somerset and others ex parte Middleton [2004] UKHL 10.
15 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the eighth day, INT000008001, p137.
16 See The Coroners Rules 1984.

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members suspected of involvement in the death he was considering. This difficulty has since been resolved, as now the Independent Office for Police Conduct (IOPC) provides a report and evidence to the Coroner for consideration at any inquest in which there are allegations of police involvement in the death.

12. In 1987 members of the police acted as Coroners' Officers, even in circumstances in which police corruption had been alleged, as it had been during the investigation of Daniel Morgan's murder. The Panel notes that in 1985 the Home Office had suggested that police civilian staff rather than police officers be appointed as Coroners' Officers[17] and that by 1986 there was already a *'trend towards civilianisation of Coroners' officers'*.[18] This option was not available to the Coroner in the Inquest into the death of Daniel Morgan. However, there is no criticism of the Coroner's Officer involved in this Inquest.

2.3 The Coroner

13. As Coroner at Southwark Coroner's Court, Sir Montague Levine was responsible for the Inquest into Daniel Morgan's death. Sir Montague Levine was a medical doctor. He was not a qualified lawyer.[19] He had worked as Assistant and Deputy Coroner before becoming Coroner for the Inner London South district in 1987.[20] The Inquest into Daniel Morgan's death was, therefore, one of his early cases in the more senior post of Coroner.

3 Inquest hearing

14. The Inquest was opened on 13 March 1987, three days after Daniel Morgan's death and, in line with common practice, was adjourned immediately in order to allow the police investigation to proceed.

15. Thirteen months after Daniel Morgan's death, an eight-day hearing was held at Southwark Coroner's Court between 11 April 1988 and 25 April 1988. It is not uncommon for inquests to be delayed for long periods to allow sufficient time for the police investigation and any criminal proceedings to take place. The hearing was scheduled after advice had been received from the Crown Prosecution Service on 22 March 1988 (see Chapter 1, The Morgan One Investigation) that there was no reasonable prospect of conviction of the six suspects who had been arrested on 03 April 1987 in connection with the death of Daniel Morgan.[21,22]

16. Members of Daniel Morgan's family were keen for the Inquest to proceed. Daniel Morgan's mother, Isobel Hülsmann, communicated to the Coroner her hope that, as a consequence of the Inquest, more information would become available.[23]

17 Home Office Circular No. 93, 1985.
18 Matthews, P., and Foreman, J.C., 1986, *Jervis on the Office and Duties of Coroners,* 10th edition, p40, para 4.41.
19 In 1987, the great majority of Coroners came from a legal background. Coroners could, however, be lawyers, doctors or both (Matthews, P., and Foreman, J.C., 1986, *Jervis on the Office and Duties of Coroners*, 10th edition, p17, para. 2.28). In 1986 only 25 out of 153 Coroners (16.3%) were medical practitioners, but some of those 25 Coroners were also legally qualified. Under legislation now in force, all Coroners must be legally qualified. See Coroners and Justice Act 2009, Schedule 3, Part 2.
20 *The Telegraph*, Obituary 9878394, 18 February 2013.
21 The advice was discussed at a conference attended on 22 March 1988 by D/Supt Douglas Campbell and the Director of Public Prosecutions, Treasury Counsel and lawyers from the Crown Prosecution Service, and subsequently recorded by D/Supt Douglas Campbell in his report of 12 May 1988.
22 Report by D/Supt Douglas Campbell, MPS016005001, pp1-4, 12 May 1988.
23 Letter from Isobel Hülsmann to the Editor of the London *Evening Standard*, copying in the Coroner Sir Montague Levine, MPS011613001, pp3-4, 13 March 1988.

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17. D/Supt Douglas Campbell's report in January 1988 for the Coroner referred to various possible working hypotheses. Exploration of the evidence relating to these hypotheses took up a major portion of the hearing.

18. Thirty-four people were identified to be called as witnesses during the Inquest. These included three expert witnesses, four people who had been at the Golden Lion public house on the night of the murder, relatives and business associates of Daniel Morgan, police officers, employees of Belmont Car Auctions (a firm that featured among the Morgan One Investigation's lines of enquiry), associates and relations of Jonathan Rees and employees of Southern Investigations, the private investigation firm jointly operated by Jonathan Rees and Daniel Morgan before his death. Several of the witnesses were recalled to give evidence, as the Coroner attempted to focus the hearing on the events surrounding the murder in chronological order. Jonathan Rees's wife, Sharon Rees, and Paul Goodridge, who worked occasionally for Southern Investigations, were summoned to give evidence, but did not appear. As was standard practice, witnesses '*whose conduct may be called in*[to] *question*' were called to give evidence last.[24]

19. Following discussion on the first day of the Inquest, the Coroner decided that Jonathan Rees[25] and former DS Sidney Fillery (both of whom were among the suspects who had been arrested on 03 April 1987 in connection with Daniel Morgan's death) would be called at the end,[26] as their conduct had already been called into question. The Coroner also said that, although he could not put DC Alan Purvis and DC Peter Foley (also two of the six suspects arrested on 03 April 1987) in the same category as Jonathan Rees and former DS Fillery, their evidence would be heard later.[27] By April 1988, neither DC Foley nor DC Purvis was suspected of involvement in the murder, whereas former DS Fillery and Jonathan Rees continued to be seen by the police as suspects.

20. At the beginning of the hearing, June Tweedie, Counsel for Daniel Morgan's family, asked the Coroner to exclude certain witnesses from the court.[28] The Coroner confirmed with June Tweedie that she was not asking for all witnesses to be excluded.[29] The Coroner read from *Jervis on Coroners*, the authority on inquests:

> *'Unless there is likely to be a conflict of evidence, or there is some other objection, it is usual for witnesses at an inquest to sit in court until they are called to give evidence.*[...] *A formal, professional or scientific witness is never excluded before giving evidence, and neither should be any person whose conduct may be called in*[to] *question.'*[30]

The Coroner then stated: '*My ruling in this particular case is that all witnesses should be in court.*'[31]

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24 Matthews, P., and Foreman, J.C., 1986, *Jervis on the Office and Duties of Coroners,* 10th edition, p175, para 15.15.
25 Jonathan Rees first gave evidence to the court on Day Three, but he was called simply to answer questions in relation to the non-appearance of his wife, Sharon Rees. His evidence, as pertinent to the death of Daniel Morgan, began on Day Eight.
26 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the first day, INT000001001, pp58-59.
27 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the first day, INT000001001, p59.
28 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the first day, INT000001001, p6.
29 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the first day, INT000001001, p6.
30 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the first day, INT000001001, p6. The Coroner read from Matthews, P., and Foreman, J.C., 1986, *Jervis on the Office and Duties of Coroners,* 10th edition, p175, para 15.15.
31 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the first day, INT000001001, p6.

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21. The function of an inquest is distinct from any criminal investigation and the Coroner was entitled to exercise his discretion and allow all witnesses to be present in court.

3.1 First testimonies: establishing who, where and when

22. The identity of the deceased was established by the first witness called at the Inquest, DI Allan Jones, who testified to having attended the mortuary on 11 March 1987 in the presence of DS Sidney Fillery, when Jonathan Rees identified the body of Daniel Morgan.[32] The Panel's consideration of the fact that it was Jonathan Rees who identified Daniel Morgan's body is set out in Chapter 1 on the Morgan One Investigation and Chapter 12 on Treatment of the Family.

23. The second witness called, the Senior Investigating Officer D/Supt Douglas Campbell, testified to having gone to the car park of the Golden Lion public house to view the body of Daniel Morgan at around 11.15 pm on 10 March 1987.[33] Daniel Morgan's body had been found in the car park at around 9.40 pm.[34,35] D/Supt Campbell confirmed that he had instructed a police photographer to take the photographs of the scene, which were then admitted in evidence, and that he had commissioned plans to be drawn up showing the car park, the Golden Lion public house and the surroundings.[36] The Panel notes it is not clear to which plans D/Supt Campbell was referring in his testimony: of the various plans drawn up (including one that showed the body in the wrong location), it is not known which one was shown to the jury.

24. All five of the photographs taken by the police photographer who attended the scene of the murder were placed in evidence at the Inquest. The Panel has commented on the paucity of photographs of the crime scene (see Chapter 1, The Morgan One Investigation). The Coroner did not challenge the limited number and scope of the photographs taken by the police photographer at the crime scene. However, he had supplemented them with photographs he had taken with his own camera when he visited the crime scene a year after the murder with two police officers from the Morgan One Investigation team. These were produced in evidence on the first day of the Inquest.[37] The Panel notes these photographs have not been found among the Coroner's papers or the other papers available to the Panel.

3.2 The time of death

25. The approximate time when Daniel Morgan died was ascertained through a series of sometimes conflicting statements, provided by a number of witnesses concerning the movements of Daniel Morgan on the evening of 10 March 1987. A customer testified to having arrived at the car park of the Golden Lion public house at around 9.40 pm, when the customer found the body of Daniel Morgan.[38] Iris Morgan, Daniel Morgan's widow, stated that her last contact with her husband was when he telephoned her at around 7.30 pm on 10 March 1987 and told her that he had a meeting and expected to be home by about 8.15 pm.[39]

32 Witness DI Allan Jones, examined by the Coroner, Inquest Day One, INT000001001, p7, 11 April 1988.
33 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day One, INT000010001, pp7-8, 11 April 1988.
34 Statement of the witness who discovered the body of Daniel Morgan, MPS010133001, p1, 10 March 1987.
35 Witness who discovered the body of Daniel Morgan, examined by the Coroner, Inquest Day Three, INT000003001, p15, 13 April 1988
36 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day One, INT000010001, p8, 11 April 1988.
37 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the first day, INT000001001, p9.
38 Witness who discovered the body of Daniel Morgan, examined by the Coroner, Inquest Day Three, INT000003001, p1,12 April 1988.
39 Witness Iris Morgan, examined by the Coroner, Inquest Day One, INT000001001, p48, 11 April 1988.

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26. Jonathan Rees told the Inquest that he and Daniel Morgan met inside the Golden Lion public house on the evening of 10 March 1987. Jonathan Rees claimed to have arrived between 7.30 pm and 7.45 pm and said that Daniel Morgan arrived between 7.45 pm and 8.15 pm, within half an hour of him.[40] Jonathan Rees said Daniel Morgan entered through the front door of the public house and could not offer an explanation as to why Daniel Morgan would have taken that route from the rear car park as opposed to having entered through the back door via the beer garden, given he had parked at the rear.[41]

27. The Inquest did not hear evidence enabling it to identify a consistent account of Daniel Morgan's actions immediately before his death; there were some apparent inconsistencies as to when Daniel Morgan left the Golden Lion public house. On day three of the Inquest, Peter Newby, Office Manager at Southern Investigations, gave evidence during which he was questioned about his statement[42] that he had asked Jonathan Rees whether he (Jonathan Rees) and Daniel Morgan had gone into the car park together. Peter Newby had stated that Jonathan Rees replied that they had left through separate doors, as Jonathan Rees's car was parked at the front of the Golden Lion, whereas Daniel Morgan's car was in the car park at the rear.[43] Jonathan Rees later testified, on day eight, that he had left Daniel Morgan in the Golden Lion *'scribbling on a piece of paper'* at about 9.00 pm.[44] He confirmed that this was the last time he saw Daniel Morgan alive.[45]

28. The Panel notes that Jonathan Rees's evidence on day eight contradicts his alleged account to Peter Newby that he and Daniel Morgan had left through different doors: to know this Jonathan Rees would have had to have left at the same time, whereas Jonathan Rees stated that he left Daniel Morgan writing inside the Golden Lion public house. This inconsistency in Jonathan Rees's evidence was not explored or resolved during the Inquest.

3.3 The cause of death: the forensic evidence

29. Evidence concerning the cause of death was provided by the forensic pathologist Dr Michael Heath. D/Supt Douglas Campbell and a fingerprint expert gave testimony relating to other forensic evidence.

30. Dr Heath gave evidence on the fourth day of the Inquest. His evidence encompassed the injuries sustained by Daniel Morgan, the cause of death, the extent of potential spraying of blood, and the amount of alcohol present in Daniel Morgan's bloodstream.[46]

31. The post mortem report by Dr Michael Heath had recorded that Daniel Morgan had four wounds to the head caused by the axe found in one of the wounds. A contusion incorporating a superficial laceration was associated with one of the head wounds. He also had a laceration to the head, with surrounding abrasion, caused by a blow from or against a heavy blunt surface, such as the ground.[47]

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40 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p26 & p28, 25 April 1988.
41 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p29, 25 April 1988.
42 Witness statement of Peter Newby, MPS015752001, 30 March 1987.
43 Witness Peter Newby, examined by the Coroner, Inquest Day Three, INT000003001, p39, 13 April 1988.
44 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, pp33-34, 25 April 1988.
45 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p34, 25 April 1988.
46 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the fourth day, INT000004001, pp30-46.
47 Post mortem report by Dr Michael Heath, MPS005920001, p6, 11 March 1987.

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32. The Coroner was careful, for the sake of the family of Daniel Morgan, to ensure that, during his examination of Dr Michael Heath, the forensic pathologist was able to confirm that Daniel Morgan '*would have been rendered unconscious virtually instantaneously*'.[48]

33. The Inquest heard that the nature of the wounds was such that the perpetrator would not necessarily have been contaminated with blood,[49,50] although according to Dr Michael Heath's pathologist report, '[i]*f a person was in close proximity during the terminal respiratory efforts, contamination with blood might have occurred*'.[51] The photographs taken by the police at the scene showed blood spatter on Daniel Morgan's shirt and other upper-body clothing, as well as on the axe.

34. In response to the Coroner's questions, D/Supt Douglas Campbell testified that some forensic tests had been carried out on Daniel Morgan's clothing but nothing of evidential value had been found.[52] Fibres found on the clothing had not been examined or removed, as there had been no instruction to carry out any such examination. The jacket and the fibres attached to it had been secured for potential future analysis[53] (see Chapter 1, The Morgan One Investigation).

35. The Coroner pointed out to Dr Michael Heath the tear in Daniel Morgan's trousers, describing it as follows: *'*[I]*t is not a rip or a cut, but it has actually given way at the seam of the side of the trouser'*.[54] The Coroner noted that the damage was on the right-hand side: *'It would suggest that it* [the right-hand side of the trousers] *has been pulled, either by the assailant or by Mr. MORGAN*.'[55] Dr Heath confirmed that either was possible. He indicated that the clothing and the splitting of the seam would be an issue for the forensic scientist.[56] The forensic scientist was not called to give evidence, and it subsequently emerged from D/Supt Douglas Campbell's testimony that the forensic scientist's report did not provide any more information on the tear.[57] In the absence of any instructions from D/Supt Campbell to do so, the forensic laboratory did not comment on the tear. It would have been open to the Coroner, before the Inquest hearings when he was considering the evidence made available to him by the police, to ask for further forensic examination of the trousers and for forensic expert comment on the tear. The Coroner did not do this.

> 36. The Coroner should have requested a further forensic examination of the trousers and forensic expert comment on the tear.

37. Later on day four, Counsel for the family, June Tweedie, asked that the trousers worn by Daniel Morgan at the time of his death should be produced at the Inquest, due to the lack of detail about the rip in the evidence of Dr Michael Heath.[58] After a number of questions from

48 Witness Dr Michael Heath, examined by the Coroner, Inquest Day Four, INT000004001, p32, 14 April 1988.
49 Forensic Pathologist Report, Dr Michael Heath, MPS005257001, p2, 24 February 1988.
50 Witness Dr Michael Heath, examined by the Coroner, Inquest Day Four, INT000004001, p33, 14 April 1988.
51 Forensic Pathologist Report, Dr Michael Heath, MPS005257001, p2, 24 February 1988.
52 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day Four, INT000004001, p78, 14 April 1988.
53 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day Four, INT000004001, p78, 14 April 1988.
54 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the fourth day, INT000004001, p35.
55 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the fourth day, INT000004001, p35.
56 Witness Dr Michael Heath, cross-examined by Julian Nutter, Inquest Day Four, INT000004001, p40, 14 April 1988.
57 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day Four, INT000004001, p50, 14 April 1988.
58 Witness D/Supt Douglas Campbell, cross-examined by June Tweedie, Inquest Day Four, INT000004001, p89, 14 April 1988.

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the Coroner about what would be achieved by producing the trousers in court, June Tweedie stated that it might help to understand the level of force necessary to cause the tear and to establish whether the tear could be attributed to '*the act of moving the body at some point*'.[59] This suggestion was dismissed by the Coroner, and as a result the trousers were not produced as evidence during the Inquest. The Coroner commented that *'the only thing we can say is that we do not know how that tear happened'*.[60] No conclusion was reached at the Inquest as to whether or not the body had been moved.

3.3.1 The axe

38. There was discussion relating to the axe on the first day of the Inquest. The Coroner said that the axe handle was taped with adhesive plasters and explained two potential reasons for this: *'to get a greater grip on the axe itself*' and because '*it is virtually impossible* [...] *to take fingerprints from that material*'.[61] The Inquest heard testimony from D/Supt Douglas Campbell that the axe was submitted for fingerprint testing following the post mortem, but that no fingerprints were found.[62]

39. The Coroner did not raise the possibility of DNA testing on the axe handle. However, DNA testing was in its early stages and its use by the police in 1987-88 was extremely limited.

3.3.2 Jonathan Rees's clothing

40. The Inquest exposed an important gap in the investigation: Jonathan Rees, the last person known to have seen Daniel Morgan before his death, had been taken to Catford Police Station on the night of the murder, and while his clothing had been visually examined and no blood had been seen, it had not been subjected to further testing.[63] When the legal representative for Jonathan Rees, Julian Nutter, asked why the clothing had not been *'sent off for a detailed forensic examination to spot invisible traces*',[64] D/Supt Douglas Campbell testified that he had not considered Jonathan Rees to be a suspect at that time, and also said that '[i]*t is my experience that if you cannot see it with the naked eye it is very unlikely that the Metropolitan Police are going to find it in their laboratory*'.[65] When Julian Nutter pursued this, the Coroner intervened in defence of D/Supt Campbell, saying:

> *'I think the superintendent with all the goodwill in the world has been honest about it. He said that he did not do it because he did not suspect him. You could say that everybody in the public house should have their shirt taken off them and their coats*[...]. *It is a little unfair to put it that way.'*[66]

41. Jonathan Rees's legal representative, Julian Nutter, argued that the failure to test his client's clothing further than a visual examination was a missed opportunity to eliminate him as a suspect.[67]

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59 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day Four, INT000004001, p91, 14 April 1988.
60 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day Four, INT000004001, p91, 14 April 1988.
61 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day One, INT000001001, p10, 11 April 1988.
62 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day One, INT000001001, p10, 11 April 1988.
63 Witness D/Supt Douglas Campbell, cross-examined by Julian Nutter, Inquest Day Four, INT000004001, pp83-86, 14 April 1988.
64 Witness D/Supt Douglas Campbell, cross-examined by Julian Nutter, Inquest Day Four, INT000004001, p84, 14 April 1988.
65 Witness D/Supt Douglas Campbell, cross-examined by Julian Nutter, Inquest Day Four, INT000004001, p84, 14 April 1988.
66 Witness D/Supt Douglas Campbell, cross-examined by Julian Nutter, Inquest Day Four, INT000004001, p85, 14 April 1988.
67 Witness D/Supt Douglas Campbell, cross-examined by Julian Nutter, Inquest Day Four, INT000004001, p85, 14 April 1988.

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42. The Coroner should have understood that a visual examination of Jonathan Rees's clothing was insufficient to rule out blood contamination. A more detailed forensic examination should have been undertaken.

43. Had Jonathan Rees's clothing been tested and no blood found, this might have been used in his defence. However, it would not have eliminated him as a suspect, since Dr Michael Heath testified that the perpetrator would not necessarily have been contaminated with blood. Had further tests revealed blood matching Daniel Morgan's on Jonathan Rees's clothing, that would have been potentially important evidence.

3.4 The circumstances surrounding the death of Daniel Morgan

44. D/Supt Douglas Campbell stressed in his report to the Coroner in January 1988 his working theory that the murder was premeditated, that it was linked to the presence of Daniel Morgan in the Golden Lion public house on 09 March 1987, and that identification of those involved hinged upon who knew that Daniel Morgan would be in the premises on the evening of 10 March 1987.[68]

45. At the beginning of the Inquest, the Coroner had explained that the question as to how Daniel Morgan came to die was much wider than the medical cause of death.[69] A major portion of the Inquest was devoted to exploring that broader question by examining the circumstances surrounding the death, including the following matters:

i. Daniel Morgan's movements on the night before his death, 09 March 1987;

ii. Daniel Morgan's movements on the day of his death;

iii. who was inside the Golden Lion public house on both evenings and whether witnesses could place Daniel Morgan there on the night of his death or give evidence as to the activities inside the premises;

iv. who was parked in the car park of the Golden Lion and the conditions in the car park on the evening of his death;

v. Daniel Morgan's close relationships, his business colleagues, persons affected by his work and matters relating to Belmont Car Auctions.

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68 Report by D/Supt Douglas Campbell, MPS022269001, p3, 22 January 1988.
69 Coroner's opening address to the jury, Inquest Day One, INT000001001, p5, 11 April 1988.

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3.4.1 Daniel Morgan's movements on the night before his death

46. The Inquest heard that, on the evening of 09 March 1987, Daniel Morgan arrived in the Golden Lion public house with DS Sidney Fillery and Jonathan Rees, according to the testimony of a Police Constable who was also present.[70] The gathering included several other police officers[71,72] (see Chapter 1, The Morgan One Investigation).

47. In his statement of 11 March 1987, Jonathan Rees had said that he and Daniel Morgan had been at the Golden Lion public house for two and a half hours, from 7.30 pm until 10.00 pm on 09 March 1987. As explained in Chapter 1 on the Morgan One Investigation, that statement had been taken by then DS Sidney Fillery, who had been with Jonathan Rees that evening at the Golden Lion. Former DS Fillery reiterated at the Inquest what he had said in his statement, testifying that at about 9.30 pm he went across the road to the Dolphin public house, where he found Jonathan Rees and Daniel Morgan; they followed him from there to the Golden Lion.[73] According to former DS Fillery, therefore, Daniel Morgan and Jonathan Rees were present in the Golden Lion for considerably less than the two and a half hours asserted by Jonathan Rees.

48. The discrepancy in evidence was important because Jonathan Rees's statement was taken by DS Sidney Fillery, and what Jonathan Rees said in that statement conflicted with former DS Fillery's own evidence of finding Jonathan Rees and Daniel Morgan in the Dolphin public house at 9.30 pm and bringing them to the Golden Lion public house.

49. When asked by the Coroner about taking the statement from Jonathan Rees on 11 March 1987, former DS Sidney Fillery testified that he could not recall specifically what he had asked Jonathan Rees about.[74]

50. The Coroner was aware of the following matters relating to DS Sidney Fillery from D/Supt Douglas Campbell's report and the appended statements:[75]

a. DS Fillery had been a member of the original investigation team but had ceased to be involved after five days, because of his close relationship with Jonathan Rees.

b. DS Fillery had gone to the offices of Southern Investigations the day after the murder with DC Stephen Thorogood and removed various documents in a black rubbish bag, which had been left unattended at Catford Police Station before being removed to the Incident Room at Sydenham Police Station.

c. The Southern Investigations' file on Belmont Car Auctions was not in the possession of the police investigation team, and D/Supt Campbell suspected that the Belmont Car Auctions file may have been withheld from the police investigation.[76]

51. Furthermore, the Coroner was in possession of the first statement taken by DS Sidney Fillery from Jonathan Rees, in which Jonathan Rees gave an apparently inaccurate account of when he and Daniel Morgan had arrived at the Golden Lion public house on the evening before the murder. The Coroner knew that DS Fillery was well placed to know that this account was inconsistent with his (DS Fillery's) own knowledge. In his report of 22 January 1988 to the

70 Witness, Police Constable, examined by the Coroner, Inquest Day One, INT000001001, p69, 11 April 1988.
71 Witness, Police Constable, examined by the Coroner, Inquest Day One, INT000001001, p69, 11 April 1988.
72 Witness, former DS Sidney Fillery, examined by the Coroner, Inquest Day Six, INT000006001, pp83-84, 23 April 1988.
73 Witness, former DS Sidney Fillery, examined by the Coroner, Inquest Day Six, INT000006001, p81, 23 April 1988.
74 Witness, former DS Sidney Fillery, examined by the Coroner, Inquest Day Six, INT000006001, p91, 23 April 1988.
75 Report by D/Supt Douglas Campbell, MPS022269001, 22 January 1988.
76 Report by D/Supt Douglas Campbell, MPS022269001, p24, 22 January 1988.

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Coroner, D/Supt Douglas Campbell had pointed out that DS Fillery allowed Jonathan Rees to give *'a false statement'* about the timing of the meeting on 09 March 1987.[77] The Coroner also had the statements of other police officers who attended the Golden Lion on 09 March 1987, which contradicted the account provided by Jonathan Rees.

52. The Coroner questioned D/Supt Douglas Campbell about the presence of DS Sidney Fillery on the investigation. D/Supt Campbell responded that on 11 March 1987, the day the investigation was formed, '*Sergeant Davidson* [DS Malcolm Davidson, Major Incident Room Manager] *told me that Sergeant Fillery had told him that he was a friend of Mr. Rees. As I have said, it was very early days in the enquiry and I considered* […] *Detective Sergeant Fillery as a suitable officer to take a detailed statement from Mr Rees regarding Daniel Morgan.'* The Coroner responded: *'That makes sense.'*[78]

53. Neither the Coroner nor any of the Counsel cross-examining former DS Sidney Fillery queried the version of events on the night of 09 March 1987 given in Jonathan Rees's statement, which former DS Fillery must have known contradicted his own understanding of events.

Former DS Fillery was not asked why he had not immediately gone to D/Supt Douglas Campbell to inform him that:

i. he had been drinking with Daniel Morgan and Jonathan Rees in the same location the night before the murder;

ii. Jonathan Rees's account of the night before was in direct contradiction to his own; and

iii. he should therefore no longer be involved in the investigation.

This issue could, and arguably should, have been raised with former DS Fillery at the Inquest, as questions had been raised about his possible involvement in the murder.

3.4.2 The evening of Daniel Morgan's death

54. Margaret Harrison, who worked in a local estate agent's office, gave evidence at the Inquest that she met Daniel Morgan on the day of his death at her office at about 6.00 pm and went to Regan's Wine Bar with him, arriving at about 6.20 pm.[79] According to her testimony, Daniel Morgan was due to meet Jonathan Rees at about 7.30 pm; she and Daniel Morgan left the wine bar together at about 7.15 pm, and she went home.[80]

77 Report by D/Supt Douglas Campbell, MPS022269001, p25, 22 January 1988.
78 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day Four, INT000004001, p74, 14 April 1988.
79 Witness Margaret Harrison, examined by the Coroner, Inquest Day Two, INT000020001, pp6-8, 12 April 1988.
80 Witness Margaret Harrison, examined by the Coroner, Inquest Day Two, INT000020001, p9, 12 April 1988.

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55. Why Jonathan Rees and Daniel Morgan returned to the Golden Lion public house on the evening on 10 March 1987 was explored during the Coroner's examination of Jonathan Rees. The Coroner referred him to his previous testimony that, apart from the evening of 09 March 1987 when he went to the Golden Lion with DS Sidney Fillery and others, Daniel Morgan '*did not frequent* [the Golden Lion] *very often*'.[81]

56. Jonathan Rees attributed the choice of the Golden Lion public house on 10 March 1987 to Daniel Morgan and said that Daniel Morgan had '*taken a shine*' to the barmaid when they had visited there on the evening of 09 March 1987.[82] Jonathan Rees said that Daniel Morgan wanted to see the barmaid again, had enjoyed the previous evening there and had arranged with Jonathan Rees to meet a business associate, Paul Goodridge, there during the evening of 10 March 1987.[83] Paul Goodridge's statement indicated that he could recall no such meeting having been arranged.[84] Paul Goodridge failed to appear as a witness at the Inquest for health reasons, so the contradictory accounts could not be explored.

3.4.2.1 The crime scene: the car park

57. Several witness accounts at the Inquest gave details about who drove into the car park of the Golden Lion public house on the night of 10 March 1987, as well as accounts of the lighting and the conditions in the car park on that evening. The person who found Daniel Morgan's body testified that '*the area where the body was, that was not lit*'.[85] He also stated that it '*was quite a bright night'* and *'dry'*.[86]

58. Evidence was heard that Daniel Morgan's car was parked in the dark area of the car park of the Golden Lion public house.[87,88] The Southern Investigations Office Manager, Peter Newby, noted that it was very unusual for Daniel Morgan to park in such a location, because of his passion for his cars and unwillingness to put them at risk.[89] This was corroborated by Daniel Morgan's brother, Alastair Morgan.[90] Jonathan Rees also testified that Daniel Morgan had warned Alastair Morgan of the risk of parking in car parks.[91]

59. D/Supt Douglas Campbell told the Inquest that the Golden Lion public house car park '*was sealed and in fact every car in there was examined for fingerprints*' on the day after the murder.[92] However, the Panel has seen no evidence that the 12 cars which had been parked in the car park when the murder was discovered had been examined for fingerprints. Moreover, the Panel has seen a witness statement from 15 March 1987 which describes how the owner of one car was able to drive their car across and out of the Golden Lion car park at 10.30 pm on the evening of 10 March 1987. By the time their statement was taken, their car had been washed (see Chapter 1, The Morgan One Investigation). D/Supt Campbell also told the Inquest that there had been a hard frost during the night of 10-11 March 1987, which had made it impossible to take fingerprints from the damp external surfaces of the cars in the car park.[93]

81 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p19, 25 April 1988.
82 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p21, 25 April 1988.
83 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p21, 25 April 1988.
84 Witness statement of Paul Goodridge, presented by the Coroner, Inquest Day Three, INT000003001, p12, 13 April 1988.
85 Witness who discovered the body of Daniel Morgan, examined by the Coroner, Inquest Day Three, INT000003001, p16, 13 April 1988.
86 Witness who discovered the body of Daniel Morgan, examined by the Coroner, Inquest Day Three, INT000003001, p17, 13 April 1988.
87 Witness who saw Daniel Morgan's car in the car park, examined by the Coroner, Inquest Day Two, INT000002001, pp73-74, 12 April 1988.
88 Witness who discovered the body of Daniel Morgan, examined by the Coroner, Inquest Day Three, INT000003001, p16, 13 April 1988.
89 Witness Peter Newby, cross-examined by June Tweedie, Inquest Day Three, INT000003001, p64, 13 April 1988.
90 Witness Alastair Morgan, cross-examined by June Tweedie, Inquest Day Five, INT000005001, pp13-14, 15 April 1988.
91 Witness Jonathan Rees, cross-examined by June Tweedie, Inquest Day Eight, INT000008001, p79, 25 April 1988.
92 Witness D/Supt Douglas Campbell, cross-examined by Julian Nutter, Inquest Day Four, INT000004001, p80, 14 April 1988.
93 Witness D/Supt Douglas Campbell, cross-examined by Julian Nutter, Inquest Day Four, INT000004001, p81, 14 April 1988.

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60. A Metropolitan Police fingerprint officer, whose experience was sufficient for him to be deemed an expert, was called to give evidence on day five of the Inquest.[94] He stated that, had a vehicle been left overnight and subjected to frost and condensation, fingerprints would *'more than likely'* have been destroyed.[95] He explained that it was very difficult to examine a vehicle when conditions were wet or frosty and that normal procedure would be to take the vehicle to a police station and put it under cover to dry before it was examined.[96]

61. The account of a car having been driven out of the car park on the night of Daniel Morgan's death contradicts D/Supt Douglas Campbell's evidence that all cars were examined for fingerprints the following day. Moreover, the Panel has only seen evidence that two cars were examined. It is impossible to know whether the Coroner was aware of this or not.

D/Supt Campbell was not asked why normal procedure relating to the removal of cars as described by the Metropolitan Police fingerprint officer was not followed: this highlights a potentially worrying failing of the original police investigation.

Cars parked in close proximity should have been examined for fingerprints, and consideration should have been given as to which other cars were suitable for fingerprinting. Although D/Supt Campbell had said that the crime scene was *'sealed',* in fact when the police left the scene in the early hours of the morning after the murder it was not protected in any way

3.4.2.2 The crime scene: the Golden Lion public house

62. Jonathan Rees identified Daniel Morgan as having been inside the Golden Lion public house on the evening of 10 March 1987.[97] Various other witnesses stated that they had seen someone who might have fitted Daniel Morgan's general description (a distinguishing feature being his beard).

63. In his January 1988 report for the Coroner, D/Supt Douglas Campbell said that a customer gave clear evidence that he had seen Jonathan Rees and Daniel Morgan in the Golden Lion public house on the evening of 10 March 1987.[98] D/Supt Campbell referred to the customer's recollection that he had sat next to men fitting their description at about 8.45 pm.[99] This information was provided in a statement the customer, Person T4, had made on 12 March 1987.[100]

64. At the Inquest, Person T4 testified that he saw a man with a beard seated at a table in a raised area of the bar and that the man had been accompanied by another wearing a white raincoat.[101] Questioned by June Tweedie, Counsel for the Morgan family, Person T4 agreed that, in his second statement of 24 August 1987, he had said that he had been shown a photograph

94 Witness, a Metropolitan Police fingerprint officer, examined by the Coroner, Inquest Day Five, INT000005001, p53, 15 April 1988.
95 Witness, a Metropolitan Police fingerprint officer, examined by the Coroner, Inquest Day Five, INT000005001, p53, 15 April 1988.
96 Witness, a Metropolitan Police fingerprint officer, examined by the Coroner, Inquest Day Five, INT000005001, p55, 15 April 1988.
97 Witness Jonathan Rees, cross-examined by June Tweedie, Inquest Day Eight, INT000008001, p28, 25 April 1988.
98 Report by D/Supt Douglas Campbell, MPS022269001, p16, 22 January 1988.
99 Report by D/Supt Douglas Campbell, MPS022269001, p16, 22 January 1988.
100 Witness statement of Person T4, MPS000141001, p2, 12 March 1988.
101 Witness Person T4, examined by the Coroner, Inquest Day Two, INT000002001, pp91-92, 12 April 1988.

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of Daniel Morgan and had not recognised the man sitting near to him in the raised area as Daniel Morgan.[102] Person T4 said that WDS Christine Fowles had told him that he had been sitting opposite Daniel Morgan, despite the fact that he had said he could not remember him from the photograph.[103] Person T4 had then made a third statement on 15 October 1987, witnessed by WDS Fowles, in which he said '*I have also been shown the photograph of Daniel MORGAN again, although I cannot definitely say that this was the man who was sitting near to me* [...]. *I do recall that when a photograph of the man that was murdered was shown in the newspapers following the murder, I remember thinking that that was the same man that was sitting near us that night.*'[104] The Coroner enquired whether WDS Fowles was present at the Inquest and was told that she was in Australia.[105]

65. No account of the actions of WDS Christine Fowles was submitted by the Metropolitan Police to the Coroner. Had Counsel for the family of Daniel Morgan not raised the issue, the Coroner would not have had a full account of what happened in this context.

3.4.3 The barmaid's statements and testimony

66. A barmaid from the Golden Lion public house was questioned at the Inquest as part of the attempt to reconstruct Daniel Morgan's movements on the evenings of 09 and 10 March 1987. The Panel understands that the Coroner was attempting to gain information as to why Daniel Morgan had returned to the Golden Lion on 10 March 1987. One reason given by Jonathan Rees in his interview dated 03 April 1987[106] and repeated at the Inquest[107] was that Daniel Morgan was interested in seeing the barmaid again.

67. The barmaid had made three separate statements: one on the night of the murder, one on 16 April 1987 and one on 07 December 1987. She confirmed at the Inquest that she had worked in the saloon bar on both evenings, 09 and 10 March 1987.[108] As she did not know Daniel Morgan, her evidence concerned the movements of a bearded man fitting Daniel Morgan's description.

68. The Coroner read from the barmaid's first statement to the police,[109] in which she recalled that, on the evening of 10 March 1987, she had served a bearded man wearing a suit who had been sitting *'on the settee opposite the bar* […] *opposite the bar door entrance'* with another man in a suit.[110] The bearded man had bought drinks and two packets of ready salted crisps and did not have any other conversation with her except to make the order.[111] Later, answering questions from June Tweedie, Counsel for the family of Daniel Morgan, she said there was only

102 Witness Person T4, cross-examined by June Tweedie, Inquest Day Two, INT000002001, p95, 12 April 1988.
103 Witness Person T4, cross-examined by June Tweedie, Inquest Day Two, INT000002001, p98, 12 April 1988.
104 Witness statement of Person T4, MPS015675001, p2, 15 October 1987.
105 Witness Person T4, cross-examined by June Tweedie, Inquest Day Two, INT000002001, p98, 12 April 1988.
106 Interview of Jonathan Rees by D/Supt Douglas Campbell, MPS016120001, pp51-52, 03 April 1987.
107 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p21, 25 April 1988.
108 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, pp79-80, 12 April 1988.
109 Witness statement of the barmaid, MPS015676001, pp1-4, 10 March 1987.
110 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, p79, 12 April 1988.
111 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, p80, 12 April 1988.

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one man who had purchased two packets of ready salted crisps from her that evening.[112] The Inquest heard that, when Daniel Morgan's body was discovered, two packets of ready salted crisps were found on the ground nearby.[113]

69. The barmaid's second statement to the police[114] was also read at the Inquest. In this statement, the barmaid said that when she arrived at work at 7.00 pm on 09 March 1987, the day before the murder, there had been two men in suits at the bar, one of whom had a beard.[115] Asked by the Coroner whether this was the same man with a beard she had seen the following evening, she responded: *'I did not recognise him on the second night as being the same man.'*[116]

70. The second statement described how, a little while after 8.00 pm on 09 March 1987, two more men in suits, one of whom wore round-rimmed glasses, came into the bar and joined the two men in suits that were already there.[117] While she was serving the men, two of them started making remarks to her: *'I think it was the one that wore glasses and the one with the beard. I think most of the remarks were made by the one with the glasses.'*[118] The Panel notes that the evidence provided by police officers who had been present indicates that Daniel Morgan did not arrive at the Golden Lion public house until 9.30 pm on 09 March 1987, suggesting it could not have been Daniel Morgan who made the remarks around 8:00 pm.

71. What is reported as having followed this question is difficult to understand:

> *'Q. Do you know who that man was who was making remarks to you? Were they both making the same sort of remarks or was one making more remarks than the other?*
>
> *A. After seeing the photos of Daniel Morgan, one of them in fact made a very coarse remark.*
>
> *Q. To you?*
>
> *A. Yes but I cannot remember exactly what it was. It was very coarse.*
>
> *Q. He made a very coarse remark to you. Who did you believe that to be?*
>
> *A. Daniel Morgan.'*[119]

72. There is no explanation of the barmaid's sudden reference to the photographs of Daniel Morgan. The police had shown the barmaid a photograph of Daniel Morgan when she made her second statement (see Chapter 1, The Morgan One Investigation). The Coroner read from the barmaid's second statement, in which she said: '*I have seen a photograph of Daniel Morgan and I can't say whether it was the same man I had served on Monday, although it was definitely the same man I served on Tuesday as I remember the crisps.'*[120]

73. The Panel sought to examine the shorthand notes made during the Inquest which were used to create the transcript,[121] but it proved impossible to locate them.

112 Witness, the barmaid, cross-examined by June Tweedie, Inquest Day Two, INT000002001, p85, 12 April 1988.
113 Witness who discovered the body of Daniel Morgan, examined by the Coroner, Inquest Day Three, INT000003001, p2, 13 April 1988.
114 Witness statement of the barmaid, MPS015677001, pp1-4, 16 April 1987.
115 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, p80, 12 April 1988.
116 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, p80, 12 April 1988.
117 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, p81, 12 April 1988.
118 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, p81, 12 April 1988.
119 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, p81, 12 April 1988.
120 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, p82, 12 April 1988.
121 The transcripts are annotated as '*transcript of shorthand notes of Marten Walsh Cherer Ltd.*'

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74. The barmaid's third statement to the police,[122] in which she was prompted for further recollections of people in the bar on 10 March 1987, was read out by the Coroner.[123] The Coroner then put it to her that he did not think she was sure who was who on either of the two nights. She agreed.[124]

75. The Coroner in his summing up said that '*no captivating evidence*' had been heard that Daniel Morgan had made any overtures to the barmaid on 10 March 1987.[125]

76. The Panel questions whether the Inquest transcript is accurate as it does not make sense, for example in the questions and answers quoted above. The Panel recognises that in the transcript the barmaid appears to confirm that Daniel Morgan had made a coarse remark to her. There is, however, other evidence which indicates clearly that the barmaid did not identify this man as Daniel Morgan. The Panel interprets the barmaid's evidence to indicate that neither of the two individuals who made the coarse comments was Daniel Morgan. This is on the basis that the barmaid did not recognise the man with a beard who had made coarse remarks the day before as being the same man to whom she had sold two packets of crisps on the evening of the murder. The Panel's analysis of the evidence concerning 09 March 1987 also suggests that Daniel Morgan had not been in the Golden Lion public house at the time at which the coarse remarks referred to were made.

77. The Panel is satisfied that the barmaid recognised Daniel Morgan as the man who had bought two packets of crisps from her on 10 March 1987 and did not recognise Daniel Morgan as the man who had made coarse remarks to her on 09 March 1987.

78. Answering questions from June Tweedie, the barmaid said that, when she made her statement on 10 March 1987, she had no doubt that the man to whom she had sold two packets of crisps had been sitting opposite the bar on the settee.[126] She explained that the police had later told her in December 1987 that Daniel Morgan had been sitting in the raised area of the bar and *'they said that I had obviously got the wrong person'*.[127]

79. There is also no account of WDS Christine Fowles' interactions with the barmaid, although the Panel notes that WDS Fowles took each of the barmaid's three statements. WDS Fowles could not be called to attend the Inquest as she was in Australia. Both the barmaid and Person T4 said at the Inquest that they had had their recollections corrected or clarified by police officers.

122 Witness statement of the barmaid, MPS015678001, pp1-3, 07 December 1987.
123 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, pp82-83, 12 April 1988.
124 Witness, the barmaid, examined by the Coroner, Inquest Day Two, INT000002001, p83, 12 April 1988.
125 Coroner's summing up, Inquest Day Eight, INT000008001, p120.
126 Witness, the barmaid, cross-examined by June Tweedie, Inquest Day Two, INT000002001, pp84-85, 12 April 1988.
127 Witness, the barmaid, cross-examined by June Tweedie, Inquest Day Two, INT000002001, p84, 12 April 1988.

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80. It is improper procedure for police officers to correct or clarify witnesses' recollections.

81. The barmaid explained that, in December 1987, D/Supt Douglas Campbell carried out a mini-reconstruction of the night of the murder, by wearing a cream/beige raincoat and walking around the raised area of the saloon bar, in an attempt to jog her memory of events.[128] The barmaid agreed that D/Supt Campbell had told her that the raincoat was like the one worn by the man who had been with Daniel Morgan.[129] This evidence by the barmaid at the Inquest is the only time this reconstruction is mentioned in any material seen by the Panel.[130] It is not recorded in the Morgan One Investigation papers, and D/Supt Campbell was not asked about it at the Inquest.

82. In his January 1988 report to the Coroner and the Metropolitan Police Solicitors Department, D/Supt Douglas Campbell accepted the evidence of Person T4 and described the barmaid as being '*totally confused*'.[131]

83. In the light of the barmaid's clear initial statements made soon after the murder, and the Panel's knowledge of the likely timing of events, the Panel rejects the characterisation of her as '*totally confused*'.

84. Neither Person T4 nor the barmaid definitively confirmed that Daniel Morgan was sitting where D/Supt Douglas Campbell said he was in his report to the Coroner.

85. While the Panel is satisfied that Daniel Morgan was in the Golden Lion public house on the night of 10 March 1987, it has proved impossible to state definitively where he was sitting that night.

3.5 Lines of enquiry

86. The Inquest focused on the issues raised in D/Supt Douglas Campbell's report of 22 January 1988, which explored possible motives for the murder in various combinations.[132]

87. However, D/Supt Douglas Campbell's report did not refer to a full range of lines of investigation, such as the detail of Daniel Morgan's recent work in Malta, the fact that Daniel Morgan had been due to give evidence in court the week after he was murdered about work which he had done with Jonathan Rees in relation to an alleged brothel, and a possible case of mistaken identity.

128 Witness, the barmaid, cross-examined by June Tweedie, Inquest Day Two, INT000002001, p86, 12 April 1988.
129 Witness, the barmaid, cross-examined by June Tweedie, Inquest Day Two, INT000002001, p86, 12 April 1988.
130 Witness, the barmaid, cross-examined by June Tweedie, Inquest Day Two, INT000002001, p86, 12 April 1988.
131 Report by D/Supt Douglas Campbell, MPS022269001, pp16-17, 22 January 1988.
132 Report by D/Supt Douglas Campbell, MPS022269001, 22 January 1988.

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88. The Coroner placed a great deal of reliance on the hypotheses articulated within D/Supt Douglas Campbell's report of 22 January 1988. As a consequence, detailed evidence on other lines of enquiry was not heard by the Inquest. This included:

i. theories relating to other personal or business relations of Daniel Morgan;

ii. the possibility that the murder was motivated by revenge;

iii. the possible link to repossession of a vehicle from Malta, and police connections to this and to organised crime; and

iv. the wider financial position of Southern Investigations.

Given that these were not significant lines of enquiry pursued by the police, and the scope of the Inquest was limited, it was not necessary to draw them all to the attention of the Coroner.

Nevertheless, having examined the papers available to D/Supt Campbell at the time, the Panel is of the view that the Coroner should have been made aware that Daniel Morgan was murdered the night before he was due to provide a statement to West Yorkshire Police who were engaged in a major fraud enquiry, and that this matter had been the subject of extensive investigation by D/Supt Campbell and may have provided a possible motive or part of a motive for the murder.

3.5.1 Lines of enquiry: Belmont Car Auctions and robbery

89. An important element of possible motives in D/Supt Douglas Campbell's January 1988 report concerned what he referred to as *'the Belmont Car Auctions problem'*, involving Southern Investigations having provided security guards for the auctions and the alleged robbery of the auction's takings from Jonathan Rees on 18 March 1986.[133]

90. Evidence was heard on the first day of the Inquest about Southern Investigations having provided security guards for Belmont Car Auctions, including allegations that three off-duty, serving police officers had been working there;[134] about the alleged robbery resulting in Jonathan Rees being injured and receiving hospital treatment;[135] about a civil action brought by Belmont Car Auctions against Southern Investigations for failure to deposit the takings or secure the money;[136] and about a court order on 05 March 1987 requiring Jonathan Rees and Daniel Morgan to lodge £10,000 with the Court.[137]

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133 Report by D/Supt Douglas Campbell: MPS022269001, pp9-11, 22 January 1988.
134 Witness Michael Thorne, examined by the Coroner, Inquest Day One, INT000001001, p52, 11 April 1988.
135 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day One, INT000001001, p15, 11 April 1988.
136 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day One, INT000001001, p15, 11 April 1988.
137 Witness Iris Morgan, examined by the Coroner, Inquest Day One, INT000001001, p44, 11 April 1988.

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91. On day three of the Inquest, Southern Investigations' Office Manager, Peter Newby, testified that he had handed to Daniel Morgan cash in excess of £1,100 on 10 March 1987.[138] The Forensic Intelligence Officer, DS Graham Frost, provided a statement that a quantity of cash totalling £1,076.47 was found on Daniel Morgan's body at the crime scene[139] and this led to the conclusion, as recorded on the National Crime Pattern Analysis database, that robbery was not a motive for the murder.[140]

3.5.2 Lines of enquiry involving Jonathan Rees

92. D/Supt Douglas Campbell's report contained concluding observations on *'REES' complicity in the murder'*.[141] These observations presented the hypotheses that:

- Jonathan Rees had killed Daniel Morgan as he was '*seriously concerned that his partner* [Daniel Morgan] *would dissolve the partnership*';[142]
- Jonathan Rees's *'dislike of MORGAN turned to hatred'*;[143]
- '*the association between MORGAN, Margaret Harrison and REES'* increased Jonathan Rees's hatred;[144]
- Jonathan Rees had an '*over-riding loyalty to Police Officers, particularly those involved with Belmont Car Auctions*';[145] and
- Daniel Morgan might '*go to the newspapers with a story of Police corruption*'.[146]

3.5.2.1 Kevin Lennon's statements and testimony regarding Jonathan Rees

93. Kevin Lennon, former bookkeeper at Southern Investigations before Daniel Morgan's death, was the third witness called on the first day of the Inquest. He appeared after D/Supt Douglas Campbell and DI Allan Jones, both of whom had attended the crime scene on the evening of the murder. This is indicative of the importance which D/Supt Campbell had attached to Kevin Lennon's evidence in his January 1988 report to the Coroner. Kevin Lennon had previously given three statements to the police, on 02 April 1987, 02 September 1987 and 15 September 1987 (see Chapter 1, The Morgan One Investigation). He confirmed to the Coroner his statements that there had been a souring of the relationship between Jonathan Rees and Daniel Morgan to the point that Jonathan Rees's dislike of Daniel Morgan had turned to hatred.[147]

94. Kevin Lennon was questioned by the Coroner about his claim that Jonathan Rees had asked him if he knew anyone who could kill Daniel Morgan.[148] Kevin Lennon confirmed these conversations had occurred on *'six or so'* separate occasions and stated: *'I pleaded with John* [Jonathan Rees] *on each of those occasions to reconsider his course of action.'*[149]

138 Witness Peter Newby, examined by the Coroner, Inquest Day Three, INT000003001, p21,13 April 1988.
139 Witness statement of DS Graham Frost, MPS015685001, p2, 23 July 1987.
140 National Crime Pattern Analysis Database Memo Response: Murder of Daniel Morgan, MPS011160001, 16 March 1987.
141 Report by D/Supt Douglas Campbell, MPS022269001, p46, para 203, 22 January 1988.
142 Report by D/Supt Douglas Campbell, MPS022269001, p46, para 204, 22 January 1988.
143 Report by D/Supt Douglas Campbell, MPS022269001, p47, para 205, 22 January 1988.
144 Report by D/Supt Douglas Campbell, MPS022269001, p47, para 205, 22 January 1988.
145 Report by D/Supt Douglas Campbell, MPS022269001, p47, para 206, 22 January 1988.
146 Report by D/Supt Douglas Campbell, MPS022269001, p47, para 206, 22 January 1988.
147 Witness Kevin Lennon, examined by the Coroner, Inquest Day One, INT000001001, pp16-17, 11 April 1988.
148 Witness Kevin Lennon, examined by the Coroner, Inquest Day One, INT000001001, pp19-20, 11 April 1988.
149 Witness Kevin Lennon, examined by the Coroner, Inquest Day One, INT000001001, p20, 11 April 1988.

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95. In his statement dated 15 September 1987, Kevin Lennon had said: *'I formed the opinion that John* [sic] *Rees was determined to either kill Daniel MORGAN or have him killed.'*[150] The Coroner asked Kevin Lennon if he was sure that this had not been a figure of speech, to which he replied: *'It was more than that*.'[151] Kevin Lennon added:

> *'John* [sic] *had decided at this stage that he could no longer work with Daniel in the partnership. He had in his own mind found a replacement for Daniel. It was his objective to get rid of Daniel in order to replace him with this new prospective partner who would be, in John's opinion, a much greater asset to the business.'*[152]

96. Kevin Lennon told the court that the new partner Jonathan Rees had had in mind was the then serving police officer DS Sidney Fillery.[153] Kevin Lennon had alleged in his statement of 15 September 1987 that DS Fillery would seek a medical discharge from the police and join Southern Investigations.[154] In the same statement, Kevin Lennon had also alleged that DS Fillery '*was quite aware of what was going to happen to Daniel MORGAN, that he would be killed'*.[155]

97. Answering questions from the Coroner, Kevin Lennon confirmed passages of his statement dated 15 September 1987[156] in which he recalled conversations that took place in August or September 1986. He had stated that during the conversations Jonathan Rees had told him that police officers at Catford Police Station would either murder Daniel Morgan or arrange his murder, and that it would be carried out within the jurisdiction of Catford Police Station.[157]

98. Under cross-examination, Kevin Lennon said that he had provided D/Supt Douglas Campbell with the names of two people whom Jonathan Rees had also told of his intention to murder Daniel Morgan.[158] On day six of the Inquest, D/Supt Campbell confirmed the names Kevin Lennon had provided were Sharon Rees, Jonathan Rees's wife, and Jonathan Rees's solicitor, Michael Goodridge.[159] However, Michael Goodridge confirmed on day three of the Inquest his statement of 20 October 1987, stating he had no knowledge of threats to kill Daniel Morgan made by Jonathan Rees or anyone else.[160] Sharon Rees was ultimately excused on medical grounds from attending court (see below, section 3.6.2) and so it was not possible for the Coroner or Counsel to ask her if she had any knowledge of threats to kill Daniel Morgan, as alleged by Kevin Lennon.

99. Kevin Lennon's evidence came as a significant shock to the family of Daniel Morgan, who were listening in court and who had not previously been told of the allegations. Inevitably, it attracted a great deal of interest in the media.

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150 Witness statement of Kevin Lennon, MPS015953001, p12, 15 September 1987.
151 Witness Kevin Lennon, examined by the Coroner, Inquest Day One, INT000001001, p20, 11 April 1988.
152 Witness Kevin Lennon, examined by the Coroner, Inquest Day One, INT000001001, p20, 11 April 1988.
153 Witness Kevin Lennon, examined by the Coroner, Inquest Day One, INT000001001, p20, 11 April 1988.
154 Witness statement of Kevin Lennon, MPS015953001, p13, 15 September 1987.
155 Witness statement of Kevin Lennon, MPS015953001, p13, 15 September 1987.
156 Witness statement of Kevin Lennon, MPS015953001, pp14-15, 15 September 1987.
157 Witness Kevin Lennon, cross-examined by June Tweedie, Inquest Day One, INT00000101, p24, 11 April 1988.
158 Witness Kevin Lennon, cross-examined by June Tweedie, Inquest Day One, INT000001001, pp41-42, 11 April 1988.
159 Witness D/Supt Douglas Campbell, cross-examined by June Tweedie, Inquest Day Six, INT000006001, p29, 18 April 1988.
160 Witness Michael Goodridge, examined by the Coroner, Inquest Day Three, INT000003001, p76, 13 April 1988.

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100. The truth of Kevin Lennon's evidence was challenged at the Inquest by Jonathan Rees, who said that the statements about him were *'absolutely not true'*,[161] that there were no plans for former DS Sidney Fillery to join Southern Investigations[162] and that he *'certainly did not'* tell Kevin Lennon that he was planning to kill Daniel Morgan.[163] The Coroner later noted in his summing up '*a very big conflict of evidence*' between the testimony of Kevin Lennon and that of Jonathan Rees.[164] The credibility of Kevin Lennon's evidence was later to be tested by the Hampshire/Police Complaints Authority Investigation (see Chapter 3, The Hampshire/Police Complaints Authority Investigation) and much later by the Abelard Two investigation (see Chapter 8, The Abelard Two Investigation).

101. At the Inquest, former DS Sidney Fillery gave evidence that he had been notified that he was to retire on medical grounds from the Metropolitan Police on 20 February 1988.[165] He could not explain how Kevin Lennon could have included this information in a statement dated September 1987, because at that stage he had had no intention to leave the police force.[166] Former DS Fillery gave evidence that he had carried out one unpaid job for Southern Investigations on the Friday before the Inquest had started.[167] Former DS Fillery was not asked about whether he was aware of Jonathan Rees's intention to kill Daniel Morgan or about the murder being planned to take place in the jurisdiction of Catford Police Station, as Kevin Lennon had alleged in his evidence.

3.5.2.2 Telephone calls to and from Jonathan Rees's car phone on the evening of the murder

102. The Coroner sought information from Jonathan Rees, as the person who had spent the evening of 10 March 1987 with Daniel Morgan in the Golden Lion public house, regarding his movements that night, and the series of telephone calls logged on Jonathan Rees's car phone after 9.00 pm, which are detailed in the table below:

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161 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p16, 25 April 1988.
162 Witness Jonathan Rees, cross-examined by June Tweedie, Inquest Day Eight, INT000008001, p94, 25 April 1988.
163 Witness Jonathan Rees, cross-examined by June Tweedie, Inquest Day Eight, INT000008001, p97, 25 April 1988.
164 Coroner's summing up, Inquest Day Eight, INT000008001, p131, 25 April 1988.
165 Witness Sidney Fillery, cross-examined by Jeremy Gompertz, Inquest Day Seven, INT000007001, p10, 19 April 1988.
166 Witness Sidney Fillery, cross-examined by Jeremy Gompertz, Inquest Day Seven, INT000007001, p15, 19 April 1988.
167 Witness Sidney Fillery, cross-examined by Jeremy Gompertz, Inquest Day Seven, INT000007001, p16, 19 April 1988.

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Calls to/from Jonathan Rees's Car Phone, evening of 10 March 1987[168]						
Date	**Start Time**	**End Time** (at latest)	**Call From**	**Call To**	**Units**	**Maximum Duration** (seconds)
10/03/1987	9:04:33*	9:16:33	Unattributed[169]	Jonathan Rees car phone	24	720
10/03/1987	9:17:23	9:18:53	Jonathan Rees car phone	Paul Goodridge home landline	3	90
10/03/1987	9:19:54	9:20:54	Jonathan Rees car phone	Jonathan Rees home landline	2	60
10/03/1987	9:21:17*	9:23:17	Unattributed[170]	Jonathan Rees car phone	4	120
10/03/1987	9:23:44	9:25:14	Jonathan Rees car phone	Paul Goodridge car phone	3	90
10/03/1987	11:15:00	11:16:00	Jonathan Rees car phone	Jonathan Rees home landline	2	60

**The telephone records do not include information about where the calls at 9:04:33 pm and 9:21:17 pm originated from. The Panel compiled this table based on the telephone records, which showed when Jonathan Rees's car phone made calls out and the numbers called. They also showed the timing of incoming calls but not the telephone numbers from which these calls came (because those were not billed to the car phone); these are the unattributed calls.*

103. In his statement of 20 March 1987, Jonathan Rees had stated that the 12-minute call at 9.04 pm came from his wife when he had been travelling to his home address.[171] However, the Coroner pointed out that his wife, Sharon Rees, had made no reference to that call in her statements to the police (on 17 and 20 March 1987). Jonathan Rees responded that he could not answer to that, but that it was *'usual'* for his wife at that time of night to talk to him about what he was doing and about not drinking too much or getting drunk.[172]

104. The Coroner then questioned Jonathan Rees about the 9.17 pm call from his car phone to Paul Goodridge's home. Jonathan Rees testified that he remembered that, during that call, Paul Goodridge had told him that Jean Wisden had had *'quite a serious accident at work'*.[173] In his statement of 12 March 1987, Paul Goodridge had stated that Jean Wisden had taken the call in question and that he had not spoken to the caller, but from the conversation had recognised it to be Jonathan Rees.[174] This apparent inconsistency was not resolved at the Inquest. In Jonathan Rees's statement of 20 March 1987, he said that during the 9.17 pm call he spoke to both Jean Wisden and then Paul Goodridge in order to '*enquire about the loan he was arranging*'.[175]

168 D286 Result of telephone checks Rees car phone.
169 Witness statement of Jonathan Rees, MPS015613001, 20 March 1987, p2; alleged to be Sharon Rees.
170 Witness statement of Jonathan Rees, MPS015613001, 20 March 1987, p3; alleged to be Paul Goodridge.
171 Witness statement of Jonathan Rees, MPS015613001, p2, 20 March 1987.
172 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p35, 25 April 1988.
173 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p35, 25 April 1988.
174 Witness statement of Paul Goodridge, MPS001914001, p3, 12 March 1987.
175 Witness statement of Jonathan Rees, MPS015613001, p2, 20 March 1987.

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105. When the Coroner asked Jonathan Rees at the Inquest about the subsequent 9.19 pm call from his car phone to his home, Jonathan Rees said that he could not recall it.[176] However, in his statement of 20 March 1987, he had said that the 9.19 pm call was to inform his wife that he was going to meet Paul Goodridge in the Beulah Spa public house.[177] Jonathan Rees had stated on 20 March 1987 that, between the 9.17 pm call to Paul Goodridge and the 9.19 pm call to his (Jonathan Rees's) wife, he had changed his route from travelling towards his home address to travelling towards the Beulah Spa public house.[178]

106. Jonathan Rees stated at the Inquest that he could not recall the reason for the 9.21 pm incoming call from Paul Goodridge, although in his statement of 20 March 1987, he had said this call was to confirm the meeting at the Beulah Spa public house.[179] Paul Goodridge had made no mention of this call in his statement of 12 March 1987.[180]

107. In his statement of 20 March 1987, Jonathan Rees had also said that at 9.23 pm he had telephoned Paul Goodridge again to cancel the meeting, but *'he was on his way so* [Jonathan Rees] *continued on to the Beulah Spa',* arriving there between 9.25 pm and 9.30 pm and staying until 10.50 pm when he left to go home.[181] Paul Goodridge had said in his statement of 12 March 1987 that he had arrived at the Beulah Spa public house at 9.45 pm and met Jonathan Rees there.[182]

108. The Coroner made no further enquiries about the calls logged between 9.04 pm and 9.23 pm. It was not until the Hampshire/Police Complaints Authority Investigation initiated a detailed examination of the calls during the evening of 10 March 1987 that the full extent of the contradictory accounts of calls made and received emerged (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

109. The Panel notes that, had Jonathan Rees driven home while taking the 12-minute call, he would have been home or almost home, according to the timings of the route, by the time the call concluded.

110. The Coroner remained concerned by this 12-minute call, which he felt Jonathan Rees had not explained satisfactorily. The Coroner was not able to ask Sharon Rees for her version of events regarding this call (to which she had made no reference in her statement of 20 March 1987), as he had excused her from giving evidence at the Inquest before her husband was examined later the same day. During Jonathan Rees's examination, when the question of the first phone call, starting at 9.04 pm and lasting 12 minutes, was introduced by the Coroner, Jonathan Rees had indicated, through his legal representative, that he would like to '*claim privilege*'.[183]

111. The Coroner sought to verify what Jonathan Rees had been doing during a period of '*approximately half an hour'* after he said that he left the Golden Lion public house at 9.00 pm on 10 March 1987. In his statement of 20 March 1987, Jonathan Rees had stated that he had left the Golden Lion public house and *'was mobile'* travelling to his home address when he received the call logged at 9.04 pm.[184] In this context, the Coroner informed the Inquest that the journey

176 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p36, 25 April 1988.
177 Witness statement of Jonathan Rees, MPS015613001, p2, 20 March 1987.
178 Witness statement of Jonathan Rees, MPS015613001, p2, 20 March 1987.
179 Witness statement of Jonathan Rees, MPS015613001, p2-3, 20 March 1987.
180 Witness statement of Paul Goodridge, MPS001914001, 12 March 1987.
181 Witness statement of Jonathan Rees, MPS015613001, p3, 20 March 1987.
182 Witness statement of Paul Goodridge, MPS001914001, p3, 12 March 1987.
183 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, p33, 25 April 1988.
184 Witness statement of Jonathan Rees, MPS015613001, p2, 20 March 1987.

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between Jonathan Rees's home address and the Golden Lion public house had been tested and timed by various people including himself, DI Allan Jones and a police traffic officer tasked by the Morgan One Investigation, and it had been assessed as taking between nine and eleven minutes.[185] Had Jonathan Rees been travelling to his home address via his usual route without pulling over, he would have arrived by 9.15 pm. However, it is not clear what route Jonathan Rees had taken on leaving the Golden Lion public house.

112. The Coroner concluded that *'we cannot be sure in detail exactly what transpired in that strange 40 minutes between 9 o'clock and the time of* [Daniel Morgan's] *death at 9.40'.*[186]

113. The Coroner was right to emphasise that more information was needed about what Jonathan Rees was doing during this crucial period, because Jonathan Rees was unable to provide:

- any corroboration that the 12-minute telephone call made to his car phone was from his wife (Sharon Rees did not confirm making that call);
- corroboration of a second call allegedly made by Paul Goodridge, but which Paul Goodridge did not mention in his statement of 12 March 1987; and
- an account of his own movements during the period other than to say that he was in transit between the Golden Lion public house and the Beulah Spa public house.

114. The time of 9.40 pm was when Daniel Morgan's body was found in the car park and not the time of his death. The Coroner was concerned to establish what happened during the approximately 40-minute period after about 9.00 pm when Jonathan Rees, by his own account, left the company of Daniel Morgan, and before 9.40 pm when Daniel Morgan's body was found.

115. The Panel accepts that Jonathan Rees, by his own account, did not make the journey which the Coroner, DI Allan Jones and the traffic officer had made (from the Golden Lion public house to Jonathan Rees's home). Jonathan Rees said that he had left to go to his car at the Golden Lion public house around 9.00 pm and arrived at the Beulah Spa public house around 9.30 pm. The Coroner was unable to verify Jonathan Rees's movements after he left the Golden Lion.

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185 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day Five, INT000005001, p44, 15 April 1988.
186 Coroner's summing up, Inquest Day Eight, INT000008001, p124, 25 April 1988.

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3.6 Notable witnesses either not called by the Coroner to the Inquest or who did not attend

3.6.1 Paul Goodridge

116. Paul Goodridge was excused from giving evidence at the Inquest on medical grounds. This excusal was on the basis of a medical report in respect of Paul Goodridge which provided detail of his *'psychiatric condition',*[187] and the Coroner's *'power to admit documentary evidence (such as a written statement)* [...] *where the Coroner is of the opinion that the maker of the document is unable to give oral evidence*'.[188,189] At the start of day three of the Inquest, the Coroner stated that there was agreement that, exceptionally, Paul Goodridge's three statements could therefore be read out and provided in writing to Counsel.[190] The reading of the three statements then took place.[191]

117. The Coroner decided to require Jean Wisden (the partner of Paul Goodridge), who was not listed in D/Supt Douglas Campbell's report of 22 January 1988, to attend the Inquest hearing. Jean Wisden appeared at the Inquest on the second day and confirmed her statement that she had taken a telephone call at about 9.15 pm or 9.20 pm from Jonathan Rees on the evening of Daniel Morgan's murder.[192]

118. The accounts given by Jonathan Rees, Paul Goodridge (written only) and Jean Wisden at the Inquest regarding Jonathan Rees telephoning between 9.15 pm and 9.20 pm contained inconsistencies and contradictions about what happened.[193,194,195]

119. Jean Wisden was potentially an important witness and the Coroner was wise to obtain testimony from her.

120. In his examination of D/Supt Douglas Campbell on day five, the Coroner referred to Daniel Morgan and Jonathan Rees going to the Golden Lion public house to meet Paul Goodridge on 10 March 1987. Having recalled that Paul Goodridge was unable to attend the Inquest owing to illness, the Coroner said: '*Mr Paul GOODRIDGE denies they had a meeting there*.' D/Supt Campbell agreed, answering: '*In his statement he does*.'[196]

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187 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the third day, INT000003001 p3, 13 April 1988
188 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the third day, INT000003001, p3, 13 April 1988.
189 Matthews, P., and Foreman, J.C., 1986, *Jervis on the Office and Duties of Coroners,* 10th edition, p173, para 15.9.
190 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the third day, INT000003001 pp3 and 10, 13 April 1988.
191 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the third day, INT000003001, pp11-15, 13 April 1988.
192 Witness Jean Wisden, examined by the Coroner, Inquest Day Two, INT000021001, pp49-50, 12 April 1988.
193 Witness Jonathan Rees, examined by the Coroner, Inquest Day Eight, INT000008001, pp35-36, 25 April 1988.
194 Witness statements of Paul Goodridge,12 March 1987, 25 March 1987 and 22 December 1987, read into the transcript by the Coroner, Inquest Day Three, INT000003001, pp11-15, 13 April 1988.
195 Witness Jean Wisden, examined by the Coroner, Inquest Day Two, INT000021001, pp49-50, 12 April 1988.
196 Witness D/Supt Douglas Campbell, examined by the Coroner, Inquest Day Five, INT000005001, p40, 15 April 1988.

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121. Had he not been excused, Paul Goodridge's testimony at the Inquest might have called into question Jonathan Rees's evidence on his arrangements and his movements on the night of Daniel Morgan's murder. In his statement Paul Goodridge said: *'I do not recall any previous conversation to meet him* [Jonathan Rees] *or Daniel MORGAN at the Golden Lion earlier that evening*.'[197] Had Paul Goodridge appeared at the Inquest and confirmed his statement, his evidence would have contradicted part of Jonathan Rees's reasoning for attending the Golden Lion public house on 10 March 1987. The accounts of Jean Wisden and Paul Goodridge became the focus of further attention in the Hampshire/Police Complaints Authority Investigation.

3.6.2 Sharon Rees

122. Sharon Rees, the wife of Jonathan Rees, was excused by the Coroner from attending the Inquest, following enquiries into her whereabouts and her medical condition.[198]

123. DI Allan Jones had testified that, when he arrived at the home of Jonathan Rees and Sharon Rees around midnight on 10 March 1987, he had entered the living room where Sharon Rees was watching television and had informed Jonathan Rees that Daniel Morgan had been killed. During the conversation Sharon Rees had also been informed.[199] DI Jones had described her behaviour in continuing to watch the television as *'not a reaction* [he] *would have expected'*.[200]

124. At the Inquest Jonathan Rees was asked about his wife's behaviour when the police arrived at their house in the early hours of 11 March 1987. He testified that she *'was not informed'* by the police about Daniel Morgan's death and that DI Allan Jones had suggested that the police and Jonathan Rees go into the kitchen, whereas Sharon Rees remained *'two rooms away'*. He also testified that when he left with the police to go to the police station, he told his wife that Daniel Morgan had had an accident.[201] This testimony differed markedly from DI Jones's testimony.

125. Sharon Rees's testimony was of potentially profound importance in terms of her knowledge of her husband's actions, including his telephone calls on the night of the murder, her knowledge of any intention by her husband to arrange the murder of Daniel Morgan as alleged by Kevin Lennon and her conduct when police attended their home to inform Jonathan Rees of the murder of Daniel Morgan (see Chapter 1, The Morgan One Investigation).

126. Sharon Rees had close family ties to three of the six suspects who had been arrested: her husband Jonathan Rees, and her brothers, Glenn Vian and Garry Vian. Furthermore, she had stated on 17 March 1987,[202] and confirmed in her statement of 20 March 1987, that she had only one telephone call from Jonathan Rees lasting about five minutes on the evening of 10 March 1987 at about 9.30 pm.[203] This was a contradiction of his account that she made a 12-minute telephone call to him at 9.04 pm on the night of the murder.

197 Witness statement of Paul Goodridge, MPS015296001, p8, 25 March 1987.
198 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the eighth day, INT000008001, pp9-10, 25 April 1988.
199 Witness DI Allan Jones, examined by the Coroner, Inquest Day Five, INT000005001, p34, 15 April 1988.
200 Witness DI Allan Jones, examined by the Coroner, Inquest Day Five, INT000005001, p34, 15 April 1988.
201 Witness Jonathan Rees, cross-examined by June Tweedie, Inquest Day Eight, INT000008001, p38, 25 April 1988.
202 Witness statement of Sharon Rees, MPS010339001, 17 March 1987.
203 Witness statement of Sharon Rees, MPS010340001, 20 March 1987.

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127. On day three of the Inquest, Jonathan Rees was asked by the Coroner to account for his wife's absence.[204] Jonathan Rees stated that after the first day of the Inquest his wife had been *'persistently pestered by members of the media*',[205] and so had left her home and would not disclose her whereabouts. On day four of the Inquest, Counsel for Jonathan Rees explained the absence of Sharon Rees further, stating that *'as a result of what she* [Sharon Rees] *has read in the newspapers about alleged goings on between Mr REES and other ladies she is not at all willing to come to the enquiry to help Mr REES in any way*'.[206]

128. The police appear to have searched without success for Sharon Rees, making enquiries at her home address and the home of her mother.[207] D/Supt Douglas Campbell testified that *'she is not at either. The children are not at home*.'[208] Jonathan Rees testified that the children were attending school and that family members were caring for the children at the Rees' family home.[209] DI Allan Jones provided more information regarding the police efforts to locate Sharon Rees, which included observations at known addresses, contacting relatives in South London and making enquiries in Yorkshire.[210] Shortly after the Inquest had concluded, Sharon Rees was sighted in public by a journalist, her disappearance and re-appearance after the Inquest, not surprisingly, attracting comment in the media.[211,212]

129. The Inquest was formally adjourned from 19 April to 25 April 1988, in order to secure medical evidence regarding Sharon Rees's fitness to testify.[213] Jonathan Rees had confirmed to the Coroner that his wife was seeing a doctor.[214] Later he gave evidence that she had been receiving treatment for five months.[215]

130. Evidence was given by Dr Mary Watton on day eight of the Inquest. Dr Watton was not Sharon Rees's current general practitioner at that point. She explained that she had seen Sharon Rees on the previous Thursday, but had not had access to her medical notes, and had not seen her professionally for the previous three years.[216] Dr Watton also stated that, to the best of her knowledge, Sharon Rees was not receiving treatment from any other doctor.[217]

131. When asked by the Coroner whether she believed that Sharon Rees was not fit to give evidence at the Inquest, Dr Mary Watton stated that she was '*almost sure*' that if Sharon Rees attended the Inquest, *'she is in such a state that she would find it very difficult to listen to questions and to take in questions and to formulate any reasonable reply'*.[218]

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204 Witness Jonathan Rees, examined by the Coroner, Inquest Day Three, INT000003001, p55, 13 April 1988.
205 Witness Jonathan Rees, examined by the Coroner, Inquest Day Three, INT000003001, p55, 13 April 1988.
206 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the fourth day, INT000004001, p92.
207 Witness D/Supt Douglas Campbell, cross-examined by Julian Nutter, Inquest Day Three, INT000030001, p57, 13 April 1988.
208 Witness D/Supt Douglas Campbell, cross-examined by Julian Nutter, Inquest Day Three, INT000030001, p57, 13 April 1988.
209 Witness Jonathan Rees, examined by the Coroner, Inquest Day Three, INT000031001, p58, 13 April 1988.
210 Witness DI Allan Jones, examined by the Coroner, Inquest Day Seven, INT000007001, p26, 19 April 1988.
211 *Home with Clue to Murder* (author unknown), *Today* newspaper, MPS014827001, p123, 06 May 1988.
212 *Return of Missing Witness*, by Sylvia Jones, *Daily Mirror* newspaper, MPS014827001, p124, 06 May 1988.
213 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the seventh day, INT000007001, p32.
214 Witness Jonathan Rees, examined by the Coroner, Inquest Day Three, INT000003001, p55, 13 April 1988.
215 Witness Jonathan Rees, examined by the Coroner, Inquest Day Seven, INT000007001, p28, 19 April 1988.
216 Dr Mary Watton, cross-examined by June Tweedie, Inquest Day Eight, INT000008001, pp2 and 4, 25 April 1988.
217 Dr Mary Watton, cross-examined by June Tweedie, Inquest Day Eight, INT000008001, p5, 25 April 1988.
218 Dr Mary Watton, examined by the Coroner, Inquest Day Eight, INT000008001, p8, 25 April 1988.

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132. The Coroner ruled that Sharon Rees should not be called as a witness[219] and, using his discretion, chose not to impose on her a fine of up to £400[220] or to commit her for contempt of court[221] as a result of her failure to attend the Inquest. Although the Coroner chose not to exercise either of these powers available to him, he made it clear to the Court that the police investigation would continue beyond the Inquest, and that points surrounding Sharon Rees's evidence would be '*gone into*' as part of that investigation.[222] Sharon Rees's two witness statements were then read out to the Court as evidence.[223]

133. Had the police been able to establish that Sharon Rees was staying within the boroughs of Southwark, Lambeth, Lewisham and Greenwich, the jurisdiction of Southwark Coroner's Court, the Coroner could have decided to visit her at her current location and take her evidence where she was.[224] The Coroner should have adjourned the Inquest and directed the Metropolitan Police to make further efforts to find out where she was.

134. In 2000, the Murder Review Report concluded that Sharon Rees '*undoubtedly holds vital information regarding the movements of her husband on the night of 10 March 1987*'[225] (see Chapter 5, The 2000 Murder Review).

135. Two significant witnesses, Paul Goodridge and Sharon Rees, did not attend the Inquest. Their evidence could have been critical to understanding what happened on the evening of Daniel Morgan's death.

3.6.3 Person O24

136. On day four of the Inquest, June Tweedie, Counsel for Daniel Morgan's family, asked that Person O24 be called as a witness, as he might add further information to the statement which he had given to the Morgan One Investigation.[226] In his statement dated 13 April 1987, Person O24 had described the fact that he had visited Daniel Morgan's home at around 5.15 pm on 10 March 1987 and, finding him away from home, had spoken to Daniel Morgan by telephone, hoping to arrange a meeting with him that evening. Daniel Morgan had told him that this was impossible as he had a very important business conference and would be late.[227] The Panel notes that Person O24 was one of the last people to talk to Daniel Morgan.

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219 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the eighth day, INT000008001, pp9-10, 25 April 1988.
220 See the Coroners Act 1887, section 19(3).
221 Matthews, P., and Foreman, J.C., 1986, *Jervis on the Office and Duties of Coroners,* 10th edition, p170, para 15.3.
222 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the eighth day, INT000008001, p10, 25 April 1988.
223 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the eighth day, INT000008001, pp10-12, 25 April 1988.
224 Matthews, P., and Foreman, J.C., 1986, *Jervis on the Office and Duties of Coroners,* 10th edition, pp172-173, para 15.8.
225 2000 Murder Review Report (para 6.6.16), MPS020525001, p22, 06 October 2000.
226 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the fourth day, INT000004001, pp46-49, 14 April 1988.
227 Witness statement of Person O24, MPS029473001, pp5-6, 13 April 1987

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137. The Coroner recalled D/Supt Douglas Campbell for further examination, saying: *'I think we had gone through the statements initially when we chose the people who we thought were relevant.'*[228] D/Supt Campbell testified that Person O24 had been contacted a second time *'to see if he could add anything and he could not'*.[229] The documentation confirms that the Morgan One Investigation had arranged on 24 November 1987 for an officer to telephone Person O24, who confirmed the information in his statement but could not recall anything more.[230]

138. Person O24's statement also referred to threats to Daniel Morgan. He stated that on one occasion, in September or October 1986, Daniel Morgan had arrived at his place of work, looking pale and distressed, and had spoken of a telephoned threat *'to split him in two[...]. This was the only occasion I have ever seen Daniel frightened.'*[231] D/Supt Douglas Campbell confirmed at the Inquest that the information provided by Person O24 about a threat to Daniel Morgan was corroborated by other witness statements obtained by the Morgan One Investigation. While other witnesses[232] had given accounts of threats to Daniel Morgan, none of these reported threats was to *'split him in two'*, which, given that Daniel Morgan was killed by means of an axe, could have been relevant.

139. Person O24 was not listed by the police to appear at the Inquest. The Panel found among the Coroner's papers a typed list of witnesses for the Inquest, with five names in handwriting added at the bottom.[233] One of the five additional names was that of Person O24. The other four were called as witnesses but Person O24 was not. The Panel has been unable to discover who wrote the additional names and why he was the only one of the five who did not appear.

140. The Coroner was aware of the content of Person O24's statement made to police. He decided to reject the request for this witness to be called and the statement of Person O24 was not read out at the Inquest, with the Coroner saying during the discussion: *'I cannot quite see how many people have to corroborate the same thing.'*[234]

141. While other witnesses giving testimony had referred to Daniel Morgan mentioning threats he had received, the testimony of Person O24 might have provided the Inquest with information of added value, as it referred to a more specific threat to *'split him in two'*. Given the wide discretion of the Coroner and the fact that Person O24 had spoken to Daniel Morgan within hours of his murder, Person O24 should have been called by the Coroner as a witness at the Inquest.

3.6.4 The Vian brothers

142. Jonathan Rees, his two brothers-in-law (Glenn Vian and Garry Vian), and three police officers (DS Sidney Fillery, DC Alan Purvis and DC Peter Foley) had been arrested on suspicion of being involved in the murder of Daniel Morgan on 03 April 1987.[235] When D/Supt Douglas Campbell gave an account of the arrests in his report sent to the Coroner, he only described

228 Witness, Person O24, examined by the Coroner, Inquest Day Four, INT000004001, p46, 14 April 1988.
229 Witness, Person O24, examined by the Coroner, Inquest Day Four, INT000004001, p47, 14 April 1988.
230 Action A1452, MPS014515001, pp1-2, 24 November 1987.
231 Statement of Person O24, MPS029473001, pp3-4, 13 April 1987.
232 Peter Newby, David Bray and Jonathan Rees.
233 List of witnesses in respect of full inquest into the death of Daniel Morgan by Dr Sir Montague Levine, SLC000038001, 11 April 1988.
234 Witness D/Supt Douglas Campbell, further examined by the Coroner, Inquest Day Four, INT000004001, p49, 14 April 1987.
235 Witness D/Supt Douglas Campbell, further examined by the Coroner, Inquest Day Four, INT000004001, p72, 14 April 1987.

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Glenn Vian and Garry Vian as allegedly being *'with* [Jonathan] *REES prior to the alleged robbery on him of Belmont's cash'*.[236] D/Supt Campbell testified that *'Jonathan Rees and police officers were arrested on 3 April'*[237] but omitted to mention the arrests of Glenn Vian and Garry Vian. Neither of them was called as witnesses at the Inquest.

3.7 The Coroner's summing up and the verdict of the jury

143. In summing up on the eighth and final day of the Inquest,[238] the Coroner reminded the jury of the matters defined by Rule 36(1)(a) of 1984 Coroners' Rules that the Inquest had sought to ascertain:

- who the deceased was;
- how, when and where the deceased came by his death; and
- the cause of death to be determined so as to be registered.

144. The Coroner reiterated that, in relation to how Daniel Morgan died, the question was much wider than the medical cause of death. He stated, '*there were indeed many other matters and events which may have been related'* and *'in the interests of a fuller investigation they all had to be examined* [by the Inquest]'.[239]

145. These matters, which the Coroner outlined, related to Belmont Car Auctions, the Golden Lion public house and various aspects of the evening of 10 March 1987. They included the telephone calls made and received by Jonathan Rees after 9.00 pm and forensic evidence, namely the damage found to Daniel Morgan's trousers and the pattern of blood found around the body shown in the photographs.[240]

146. The Coroner addressed a number of theories about what might have happened to Daniel Morgan.[241] These were that:

- it was a contract killing committed by somebody unknown to Daniel Morgan;
- Daniel Morgan disturbed someone, who was armed with an axe, breaking into his car;
- it was a drug-related killing;
- Daniel Morgan was killed by a '*mad axe-man'*;
- it was a gang-related killing; or
- the murderer was an enemy of Daniel Morgan (either related to his job or his relationships with women).

147. The Coroner stated specifically that he was going to use the word '*exonerated*' regarding DC Peter Foley and DC Alan Purvis, on the basis that there was nothing to connect them to the murder.[242] Furthermore, the Coroner said that the murder had nothing to do with their

236 Report by D/Supt Douglas Campbell, MPS022269001, p25, 22 January 1988.
237 Witness D/Supt Douglas Campbell, further examined by the Coroner, Inquest Day Four, INT000004001, p3, 14 April 1987.
238 Coroner's summing up, Inquest Day Eight, INT000008001, pp117-136, 25 April 1988.
239 Coroner's summing up, Inquest Day Eight, INT000008001, p118, 25 April 1988.
240 Coroner's summing up, Inquest Day Eight, INT000008001, pp118-226, 25 April 1988.
241 Coroner's summing up, Inquest Day Eight, INT000008001, pp126-130, 25 April 1988.
242 Coroner's summing up, Inquest Day Eight, INT000008001, p130, 25 April 1988.

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involvement with Belmont Car Auctions, which was a separate matter and for another agency to investigate.[243] The Coroner did not exonerate Jonathan Rees, former DS Sidney Fillery, Glenn Vian or Garry Vian, who had been arrested at the same time.

148. The Coroner was acting within his discretion in pointing out that, as a matter of fact, no evidence had been presented to connect DC Peter Foley and DC Alan Purvis to the murder of Daniel Morgan and that possible involvement with the Belmont Car Auctions was a separate matter and lay outside the Inquest's remit. However, as the jury was precluded from appearing to determine criminal liability of any named individual,[244] the Coroner should have refrained in his summing up from exonerating named individuals.

149. The Coroner stated that the Inquest had heard no forensic evidence to link anyone with the murder of Daniel Morgan, and that he hoped this fact would be taken up by the press.[245]

150. The Coroner stated that, during the time of his involvement, the police had *'steadfastly kept up a constant investigation'* and that they had produced '*stacks and stacks of statements*'.[246] He said of the police investigation: *'No stone has been left unturned*' and *'I have been intimately aware of the zeal and extent of the investigation.'*[247] He also referenced a review by DCS Douglas Shrubsole, who had *'spent three weeks looking at all aspects of the investigation'* and had found no fault with the investigation.[248]

151. Although the Coroner clearly noted that a lot of work had been undertaken by the police, his statement that '*no stone had been left unturned*' was not an accurate characterisation of the Morgan One Investigation.

152. The Panel's analysis of DCS Douglas Shrubsole's review has demonstrated that there is no evidence of what DCS Shrubsole looked at and that it only covered a limited period, and therefore should not have been described as '*looking at all aspects of the investigation*' (see Chapter 1, The Morgan One Investigation).

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243 Coroner's summing up, Inquest Day Eight, INT000008001, p130, 25 April 1988.
244 Matthews, P., and Foreman, J.C., 1986, *Jervis on the Office and Duties of Coroners,* 10th edition, p195, para 16.18.
245 Coroner's summing up, Inquest Day Eight, INT000008001, p130, 25 April 1988.
246 Coroner's summing up, Inquest Day Eight, INT000008001, p132, 25 April 1988.
247 Coroner's summing up, Inquest Day Eight, INT000008001, p132, 25 April 1988.
248 Coroner's summing up, Inquest Day Eight, INT000008001, p133, 25 April 1988.

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153. Referring to former DS Sidney Fillery's removal from the investigation, the Coroner pointed out, *'in fairness to Campbell and Fillery'*, that *'it was almost a unanimous thing between the two of them'* that DS Fillery should come off the case.[249] He added that DS Fillery worked on the case for '*only four days in a period of one year and two months before the inquest began*'.[250]

154. In referring to the crucial first days of the investigation, the Coroner considered only the length of time during which DS Sidney Fillery was involved in the Investigation. What was actually at issue here was the fact that any officer who had such close connections to the deceased, and to a very significant witness such as Jonathan Rees, should not have been involved in the process of evidence-gathering at any time, but most particularly during the very critical early days of the murder investigation.

155. The Coroner stated: '*I have to say here and now that there has been no evidence whatsoever in this inquest to point to any police involvement in this killing; nothing that we have heard during this inquest*.'[251]

156. The Coroner's remarks that there was '*no evidence whatsoever* […] *to point to any police involvement in this killing*' was not accurate and overstated the evidential position. Kevin Lennon confirmed in his testimony at the Inquest what he had said in his statements to the police: he alleged that Jonathan Rees had told him that his '*mates at Catford*' would help him to kill Daniel Morgan. This was hearsay evidence pointing to police involvement. It was not corroborated by other evidence at the Inquest. The Coroner's remarks were later repeated by the Metropolitan Police and others to support the position that there was no police involvement in the murder.

157. The Coroner told the court, '*one verdict and one verdict only comes to mind*'.[252] The Coroner explained to the jury that they could return an open verdict, but said that, if the jury agreed that Daniel Morgan had died in the car park by *'an axe wielded by human hand',* then only one verdict could possibly be returned: that he had been unlawfully killed.[253]

158. The jury retired to consider their verdict. Nine minutes later they returned to the court and communicated their verdict that Daniel Morgan had been unlawfully killed.[254]

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249 Coroner's summing up, Inquest Day Eight, INT000008001, p133, 25 April 1988.
250 Coroner's summing up, Inquest Day Eight, INT000008001, p134, 25 April 1988.
251 Coroner's summing up, Inquest Day Eight, INT000008001, p134, 25 April 1988.
252 Coroner's summing up, Inquest Day Eight, INT000008001, p135, 25 April 1988.
253 Coroner's summing up, Inquest Day Eight, INT000008001, p136, 25 April 1988.
254 Coroner's summing up, Inquest Day Eight, INT000008001, pp136-137, 25 April 1988.

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Chapter 3: The Hampshire/Police Complaints Authority Investigation

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1 Introduction

1. From May 1988, after the Inquest into the death of Daniel Morgan, members of his family mounted further pressure on both the Metropolitan Police and the Police Complaints Authority to address their complaints about the conduct of the Morgan One Investigation.

2. The family's main concern was the role of DS Sidney Fillery in the initial investigation and their perception of his possible involvement in the murder. The view held by senior officers within the Metropolitan Police was that the family's approach did not constitute a complaint against the police, as defined by the Police and Criminal Evidence Act 1984. Nevertheless, the decision was taken to refer the matter to the Police Complaints Authority.

3. The decision was made for a police force other than the Metropolitan Police to carry out an investigation. The Hampshire/Police Complaints Authority Investigation formally began on 24 June 1988 and was conducted contemporaneously from this date with the ongoing Morgan One Investigation until responsibility was transferred in its entirety on 03 February 1989. Terms of Reference were determined, to investigate '*allegations that police were involved in the murder of Daniel Morgan and any matters arising therefrom*'.

4. The investigation's lines of enquiry included the allegations made by Kevin Lennon at the Inquest; the perceived connection to Belmont Car Auctions; the role of DS Sidney Fillery at the beginning of the ongoing Morgan One Investigation; and the scene of the murder. An interim report was submitted to the Police Complaints Authority.

5. In February 1989, a decision was made to arrest and charge Jonathan Rees, Paul Goodridge and Jean Wisden. The subsequent criminal proceedings and the events leading up to the decision by the Director of Public Prosecutions to discontinue the prosecution are detailed in the pages that follow.

6. After the decision to discontinue proceedings against Jonathan Rees and his co-defendants, the investigation continued but with a focus on possible police involvement in the murder.

7. The Hampshire/Police Complaints Authority Investigation came to an abrupt end before all investigative actions had been completed in July 1989 and the final report to the Police Complaints Authority was submitted on 08 September 1989.[1]

8. There was very limited further review of Daniel Morgan's murder until 1999 when the Metropolitan Police initiated Operation Two Bridges, an intelligence-gathering operation focusing on the suspected criminal activities associated with Southern Investigations (see Chapter 4, Operation Nigeria/Two Bridges).

1.1 Chronology of key events relating to the investigation

- **24 June 1988** Detective Chief Superintendent Alan Wheeler was appointed as Senior Investigating Officer.
- **28 July 1988** Detective Chief Superintendent Alan Wheeler and Detective Chief Inspector Paul Blaker met with Kevin Lennon, with a view to assessing his credibility.
- **14 November 1988** A policy decision was recorded that the investigation would focus on the alibis of Jonathan Rees and Paul Goodridge.

1 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, 04 September 1989.

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- **08 December 1988** Detective Chief Superintendent Alan Wheeler submitted his interim report to the Police Complaints Authority explaining his focus on Paul Goodridge and Jonathan Rees.
- **31 January 1989** Jonathan Rees, Paul Goodridge and Jean Wisden were arrested.
- **02 February 1989** Jonathan Rees and Paul Goodridge were charged with the murder of Daniel Morgan, and Jean Wisden was charged with attempting to pervert the course of justice.
- **23 February 1989** Detective Chief Superintendent Alan Wheeler submitted a report to the Director of Public Prosecutions setting out his case against the three accused.
- **11 May 1989** Proceedings against Jonathan Rees, Paul Goodridge and Jean Wisden were discontinued.
- **26 May 1989** Start of Operation Plymouth.
- **04 September 1989** Detective Chief Superintendent Alan Wheeler's final report to Police Complaints Authority.

1.1.1 Preliminary remarks from the Panel

9. Two key personalities involved in the Hampshire/Police Complaints Authority Investigation were DCS Alan Wheeler of the Hampshire Constabulary and Roland Moyle, the Deputy Chair of the Police Complaints Authority. At the outset of the Panel's work, both men were still living but sadly, during the course of the Panel's work, both died.

10. On the establishment of the Panel in 2013, former DCS Alan Wheeler took the initiative and wrote to the then Chair of the Panel, stating his willingness to assist. A preliminary meeting was held with him early in 2015. The intention was to hold a more structured interview with him later, once the Panel had completed its research of the Hampshire/Police Complaints Authority papers and there was more clarity of the issues that needed to be discussed with him. The Panel had started to receive documents only in January 2015. However, his health deteriorated and, while several telephone conversations took place subsequently in relation to specific matters, no further meeting was possible before the death of former DCS Wheeler.

11. The Panel wrote to Roland Moyle in 2016 seeking a meeting with him, but unfortunately his state of health meant this was not possible and he died the next year.

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Persons and officers of significance to the Hampshire/Police Complaints Authority Investigation:

- Roland Moyle – Deputy Chair of the Police Complaints Authority
- Detective Chief Superintendent Alan Wheeler – Senior Investigating Officer
- Detective Chief Inspector Paul Blaker – Deputy Senior Investigating Officer, promoted to Superintendent on 01 April 1990
- Detective Chief Inspector Terence Farley – Head of the Scenes of Crime Department
- Police Sergeant John Riddell – HOLMES specialist

2 Events leading to the commissioning of the Hampshire Investigation and the involvement of the Police Complaints Authority

12. The 15 months following Daniel Morgan's murder had seen an increasing amount of public concern about the murder and the conduct of the ongoing Metropolitan Police investigation. The arrests of three police officers in April 1987 had generated substantial publicity, and the later public airing during the Inquest in April 1988 of allegations of police involvement in the murder, and of police officers allegedly 'moonlighting', had generated ongoing disquiet. Furthermore, members of Daniel Morgan's family had for some time been expressing their concern and frustration. Alastair Morgan, Daniel Morgan's brother, had informed the Metropolitan Police that he and his mother, Isobel Hülsmann, were not satisfied that enough was being done to find the perpetrators, and both Alastair Morgan and his mother had separately written several letters to the Home Secretary expressing their unhappiness at the way they were being treated and at the lack of progress.[2,3,4,5]

2.1 Complaints by and pressure from members of the family of Daniel Morgan

13. From January 1988, members of the family had contact with Roger Gale MP (in his capacity as a Member of the House of Commons Home Affairs Select Committee) and Michael Mates MP.[6,7] Michael Mates was Alastair Morgan's Member of Parliament, and on 23 February he wrote to the Metropolitan Police Commissioner suggesting that concerns set out in a letter from Alastair Morgan to Roger Gale MP at the end of January, which had been copied to him,

2 Telephone call from Alastair Morgan to DI Allan Jones, MPS012776001, 03 February 1988.
3 Letter from Alastair Morgan, MPS016376001, p1, 14 January 1988.
4 Letter from Isobel Hülsmann, MPS016375001, 15 January 1988.
5 Letter from Isobel Hülsmann MPS016372001, 09 February 1988.
6 Letter from Alastair Morgan to Roger Gale MP, MPS026459001, 23 January 1988.
7 Contact between Isobel Hülsmann and Roger Gale MP, MPS026459001, p1, 23 January 1988.

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expressing the general dissatisfaction that Daniel Morgan's family was experiencing with how the Morgan One Investigation was being handled, '*constitutes a complaint for investigation*'.[8] His letter was forwarded to the Metropolitan Police Complaints Investigation Bureau (CIB).

14. There were two issues raised in Alastair Morgan's letter that may have constituted complaints: DS Sidney Fillery's conduct during the murder investigation; and his alleged involvement with Belmont Car Auctions. Alastair Morgan asserted that by taking part in the initial murder investigation, DS Fillery was '*in grave breach of police protocol*' and that, on 11 March 1987:

> *'Fillery entered my brother's offices in his capacity as an investigating officer and took posession* [sic] *of a number of documents, leaving no inventory. He was also one of the two officers who took* [Jonathan] *Rees in for questioning during the night following Daniel's death."*[9]

15. In addition, Alastair Morgan stated that DS Sidney Fillery had '*failed to notify the Commissioner*' of the fact that he had been summoned as a witness to a court hearing concerning the Belmont Car Auctions robbery. He went on to claim:

> *'It is illegal for police officers to take payment for any other employment. Fillery's brother, however, had at this time received payments from Southern Investigations. This, I believe was a method of laundering his gains."*[10]

16. Alastair Morgan stated the reasons for writing his letter as being constantly to hold the case to public scrutiny and to procure the '*help and expertise*' of the Member of Parliament to whom it was addressed. Alastair Morgan also accepted, although '*not 100%*', that '*Fillery's inclusion in the squad appears to have been no more than a highly regrettable but totally unforeseen faux pas'*, because he had '*as yet no reason to suppose that it was anything other than an unforeseeable error'*.[11]

17. On 23 February 1988, the date the letter was forwarded to Metropolitan Police Commissioner Peter Imbert, Sidney Fillery was still a Detective Sergeant in the Metropolitan Police but, at that time, was on sick leave.[12]

18. On 29 February 1988, following receipt of Alastair Morgan's letter, an internal Metropolitan Police memorandum noted that the letter '*has NOT been classified as a Section 84 complaint against police at this stage*' [emphasis in the original].[13,14] A complaint was defined in section 84 of the Police and Criminal Evidence Act 1984 as '*any complaint about the conduct of a police officer which is submitted by a member of the public or on behalf of a member of the public and with his/her written consent*'.[15]

8 Letter from Michael Mates MP, MPS039331001, 23 February 1988.
9 Letter from Alastair Morgan to Roger Gale MP, MP2026459001, p2, 23 January 1988. DS Fillery was not in fact one of the officers who dealt with Jonathan Rees on the night of Daniel Morgan's murder.
10 Letter from Alastair Morgan to Roger Gale MP, MPS026459001, p2, 23 January 1988.
11 Letter from Alastair Morgan to Roger Gale MP, MPS026459001, p3, 23 January 1988.
12 Sickness records former DS Sidney Fillery, MPS005107001, p5, 10 November 1988.
13 Memo from Principal MS14 to Supt (Complaints), MPS026457001, 29 February 1988.
14 Under the Police and Criminal Evidence Act 1984, the police retained considerable discretion over the handling of complaints and it was for the chief officer of the force to decide whether or not to record a complaint.
15 Section 84(4), the Police and Criminal Evidence Act 1984 (as originally enacted).

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19. On 07 March 1988, another internal memorandum stated, '*the letter from Mr Morgan does not specify any actual complaint*'.[16] The memo also referred to the fact that there were already parallel investigations ongoing: D/Supt Douglas Campbell's murder investigation, a disciplinary investigation relating to Belmont Car Auctions,[17] and the possibility of a complaint being made against D/Supt Douglas Campbell by Jonathan Rees.[18]

20. At this time, John Smith was the Assistant Commissioner in charge of strategic planning, management services and public relations for the Metropolitan Police. AC Smith was also the line manager of DAC Peter Winship, who had responsibility for the Complaints Investigation Bureau,[19] which dealt with complaints from the public and internal disciplinary investigations. On 07 April 1988, a memorandum from AC Smith's personal secretary to DAC Winship stated, '*we should tell Mr Mates that these allegations are already subject to the complaints process*'.[20] A letter to this effect was sent from DAC Winship to Michael Mates MP on 18 April 1988.[21]

21. In a later internal memorandum, Commander Kenneth Merton, of the Complaints Investigation Bureau, wrote:

> '[Alastair] *Morgan's allegations are largely hearsay and contain a number of false suppositions. It is difficult to see how he had first-hand experience of any of the matters he raised nor would he be able to provide an adequate witness statement. It was therefore decided that Morgan should be advised through his MP that the matters he raised did not constitute a complaint under Section 84 of the P.A.C.E Act 1984.*'[22]

22. The letter dated 23 February 1988 from Michael Mates MP to the Commissioner, Peter Imbert, suggesting that Alastair Morgan's letter stating his concerns was a complaint, did not constitute a substantive complaint as defined by the Police and Criminal Evidence Act 1984. The Metropolitan Police made a decision to investigate the matter but not as a complaint investigation. Therefore, the Metropolitan Police dealt with Alastair Morgan's letter of 23 January 1988 in accordance with the legislation at the time. Some of the concerns set out in the letter were already the subject of an internal disciplinary investigation.

23. Nevertheless, DCI Ernest Anderson of CIB was asked to examine disciplinary issues arising in the context of the officers' presence at Belmont Car Auctions. In a memorandum, he later described some of Alastair Morgan's points as '*irrelevant*' and based on '*misplaced assumptions*'.[23] However, he met with Alastair Morgan on 05 May 1988 and took a written statement setting out his concerns. As already indicated, these largely centred on the conduct of DS Sidney Fillery, who by that time had left the Metropolitan Police as he had retired on the grounds of ill-health. In the statement, Alastair Morgan said that he accepted that DC Peter Foley and DC Alan Purvis (both of whom had been arrested in connection with the murder in April 1987) were not involved in the murder and he had no complaint against either of them;

16 Memorandum from Supt Roy Sutherland to Commander M. J. Gough, MPS026456001, 07 March 1988.
17 This became the Report of D/Supt Alec Button, MPS015801001, 07 October 1988.
18 This became the Report of DCS David Lamper, MPS005459001, 17 November 1988.
19 DAC Peter Winship had overall responsibility for complaints investigation, he was the Director of the Complaints Investigation Bureau.
20 Memorandum from AC John Smith's Personal Secretary to Director CIB, MPS039327001, p1, 07 April 1988.
21 Letter from DAC Peter Winship to Michael Mates MP, MPS039326001, 18 April 1988.
22 Notification of possible complaint against police, MPS030002001, p2, 25 May 1988.
23 Memo from DCI Ernest Anderson to Commander, Complaints Investigation Bureau, MPS026449001, undated.

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however, he believed that DS Fillery '*was implicated or may even have been responsible for the death of Daniel*' and that PC Stephen Thorogood's collection of documents from Southern Investigations '*may not have been carried out with proper integrity*'.[24]

24. Alastair Morgan's concerns about former DS Sidney Fillery were described by DCI Ernest Anderson as '*aspersions*'. DCI Anderson also stated that the comments about PC Stephen Thorogood did '*not constitute a formal complaint*'.[25] At the time of DCI Anderson's report, the alleged misconduct of PC Thorogood was not the subject of either disciplinary or criminal proceedings. Alastair Morgan initially stated that '*I do not wish to make any complaints against either*' DC Alan Purvis or DC Peter Foley, but began his next sentence '*However*', going on to state his concerns about former DS Fillery and PC Thorogood.[26] This would appear to indicate that a complaint was being made about the conduct of former DS Fillery and PC Thorogood.

25. DCI Ernest Anderson decided that, as DS Sidney Fillery had now left the police but was still under criminal investigation, no further action in relation to the disciplinary aspects of this issue was necessary by the Metropolitan Police. This was the correct decision. On the grounds that Alastair Morgan had no complaint against the two Detective Constables, combined with the fact that former DS Fillery by that time was no longer a police officer, and in any case was still under criminal investigation by the Morgan One Investigation team, DCI Anderson recommended that the complaint should be '*classified as withdrawn*'.[27]

26. D/Supt Campbell was at the time still conducting a murder investigation in which former DS Fillery remained a suspect.

27. DCI Ernest Anderson was wrong not to treat Alastair Morgan's concerns about the conduct of PC Stephen Thorogood as a complaint. The concerns raised met the statutory definition of a complaint under section 84 of the Police and Criminal Evidence Act 1984 and should have been dealt with as such. A formal complaint against PC Thorogood, who, unlike former DS Fillery, was still a serving officer, should have been recorded and investigated.

28. The use of the disparaging description of Alastair Morgan's serious concerns as '*aspersions*' was dismissive and indicative of a defensive attitude on the part of DCI Ernest Anderson.

2.2 The Police Complaints Authority

29. On 12 May 1988, solicitors acting on behalf of Isobel Hülsmann and Alastair Morgan wrote to the Police Complaints Authority making a formal complaint against the Metropolitan Police and requesting that an outside force carry out an investigation.[28]

24 Witness statement of Alastair Morgan, MPS026450001, 05 May 1988.
25 Memorandum from DCI Ernest Anderson, MPS026449001, undated.
26 Witness statement of Alastair Morgan, MPS026450001, 05 May 1988.
27 Witness statement of Alastair Morgan, MPS026450001, 05 May 1988.
28 Letter from Gabb & Co Solicitors, MPS030019001, 12 May 1988.

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30. The Police Complaints Authority had been established by the Police and Criminal Evidence Act 1984, and replaced the Police Complaints Board.[29,30] The Police Complaints Authority had the power to direct that disciplinary charges be brought against police officers who were the subject of complaint, although it had no powers of its own to investigate and relied entirely on police forces to conduct enquiries.[31] Under the legislation in force at the time, police forces could refer any matter to the Police Complaints Authority that appeared to indicate that an officer may have committed a criminal offence, or an offence against discipline, even though that matter was not the subject of a complaint but where it appeared that it ought nevertheless to be referred, due to either its gravity or exceptional circumstances.[32]

31. On 12 May 1988, Isobel Hülsmann's and Alastair Morgan's solicitors wrote to the senior officer with responsibility for the Complaints Investigation Bureau, DAC Peter Winship, requesting that he personally carry out an investigation into the way in which the Morgan One investigation had been conducted, and especially into the involvement of former DS Sidney Fillery.[33] This was followed on 17 May 1988 by a letter in a similar vein addressed to the Commissioner.[34] On 25 May 1988, Isobel Hülsmann wrote to the Commissioner accusing former DS Fillery of being part of a conspiracy to murder her son.[35]

32. On 18 May 1988, Roland Moyle, the Deputy Chair of the Police Complaints Authority, forwarded Isobel Hülsmann's and Alastair Morgan's solicitors' letter of 12 May 1988 to DAC Peter Winship and, noting the considerable amount of publicity the previous month's Inquest had received, wrote:

> *'I am passing the letter on to you in order that you may consider whether or not to register the contents as a complaint. The responsibility is entirely yours, but my own view would be that it would be wise to do so. Should you do so, I would wish to call it in for supervision by myself on behalf of the independent Police Complaints Authority.'*[36]

33. Noting the request for an outside force to be appointed, Roland Moyle continued:

> *'I would not go along with this request, provided the Investigating Officer proposed was sufficiently distanced from the police officers involved in the investigation of the death of Daniel Morgan and the other matters relating thereto'.*[37]

34. On 25 May 1988, Commander Kenneth Merton sent a memorandum to DAC Peter Winship dealing with both the letter from the Police Complaints Authority and with Alastair Morgan's letter of 23 January, which had been passed on by Michael Mates MP. Commander Merton set out four options, summarised below:

i. To maintain a stance that the matters were not appropriate to be recorded as complaints;

29 Section 83(1) Police and Criminal Evidence Act 1984, as originally enacted.
30 Section 83(3) Police and Criminal Evidence Act 1984, as originally enacted.
31 Part IX, Police and Criminal Evidence Act 1984, as originally enacted.
32 Section 88, Police and Criminal Evidence Act 1988, as originally enacted.
33 Letter from Gabb & Co Solicitors, MPS026431001, 12 May 1988.
34 Letter from Gabb & Co Solicitors, MPS026435001, 17 May 1988.
35 Letter to Peter Imbert QPM, MPS039317001, 25 May 1988.
36 Letter from the Roland Moyle, Police Complaints Authority Deputy Chair (Investigations), to DAC Peter Winship, MPS030018001, 18 May 1988.
37 Letter from Roland Moyle, Police Complaints Authority Deputy Chair (Investigations), to DAC Peter Winship, MPS030018001, 18 May 1988.

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ii. Given that the solicitors' letter to the Police Complaints Authority was '*vague*' as to what the matters subject to complaint were, to seek further information before deciding how to proceed;

iii. To '*exceptionally'* treat the matter as a complaint, '*although this would be in the face of normal practice*'; or

iv. To decide that there was not a complaint but that the matters arising out of the case were sufficiently serious as to warrant referral to the Police Complaints Authority.

35. Commander Merton stated that he was '*reluctantly* [...] *forming the view that the circumstances surrounding Morgan's murder will always be regarded with a suspicion that police officers may have been involved* [and so] *in our long-term interests it may be advisable to adopt option* [iv]'.[38]

36. DAC Peter Winship sent Commander Kenneth Merton's note to AC John Smith, with the comment that, in view of the '*"mauling" the Force sustained at the hands of the* [p]*ress when reporting the related inquest*' and the possibility of '*increased Parliamentary pressure*', it was necessary to '*get the balance right*'.[39] On 30 May 1988, AC Smith directed that the case should be referred to the Police Complaints Authority.[40]

37. There was an initial reluctance from senior officers of the Metropolitan Police to refer this matter to the Police Complaints Authority, and pressure from the family effectively forced their hand.

The decision to refer the matter was correct. Ultimately, whether the referral was voluntary or mandatory had no practical effect on the Police Complaints Authority's supervision of the Hampshire/Police Complaints Authority Investigation. In any case, it was clear that the seriousness of the allegations against officers in the Metropolitan Police warranted investigation.

2.3 Appointment of DCS Alan Wheeler to investigate

38. There then followed several weeks of activity and discussions between the Metropolitan Police and the Police Complaints Authority, including at least one meeting between Commander Kenneth Merton and Roland Moyle, which culminated in the appointment of DCS Alan Wheeler of Hampshire Constabulary as the Senior Investigating Officer.[41,42] The details of the process, including the factors which resulted in Roland Moyle changing his initial opinion about the involvement of an outside police force to conduct the investigation and how Hampshire Constabulary came to be the force selected, are unclear. The Metropolitan Police, Hampshire Constabulary and Police Complaints Authority records are incomplete.[43] The Panel asked former Commander Merton about this issue, and while he acknowledged that he met with Roland

38 Notification of possible complaint against police, MPS030002001, pp 2-3, 25 May 1988.
39 Notification of possible complaint against police, MPS030002001, p 4, 27 May 1988.
40 Notification of possible complaint against police, MPS030002001, p 4, 30 May 1988.
41 Letter from Cdr Kenneth Merton, CIB, to Roland Moyle, MPS026469001, 24 June 1988.
42 Witness statement of former Cdr Kenneth Merton, MPS006112001, 14 August 1990, unsigned.
43 These are now in the custody of the Police Complaints Authority's successor organisation, the Independent Office for Police Conduct [IOPC] and those that still exist have been disclosed to the Panel.

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Moyle and that most of the documents concerning the matter were signed by him or were in his name, his recollection was that the matter had been dealt with largely by DAC Peter Winship.[44] DAC Winship told the Panel that although he recalled the broad outline of the case and believed that he would have met with the Police Complaints Authority and negotiated DCS Wheeler's services with the Chief Constable of Hampshire, he had '*absolutely no recollection of the details and personalities involved*'.[45] The Panel was unable to meet with Roland Moyle to ascertain his recollection of events due to his ill-health.[46]

39. On 24 June 1988, DCS Alan Wheeler was appointed as the Senior Investigating Officer, with the Terms of Reference that he was '[t]*o investigate allegations that police were involved in the murder of Daniel Morgan and any matters arising therefrom*'.[47] The same day, a letter was sent to the Police Complaints Authority notifying them of the appointment and stating that the Commissioner had requested that the investigation be supervised.[48] On 01 July 1988, Roland Moyle replied, accepting the voluntary referral and approving DCS Wheeler's appointment.[49] At the time, DCS Wheeler was the Head of Hampshire Constabulary's Criminal Investigation Department (CID) and, prior to assuming that role in April 1986, he had been Head of the Discipline and Complaints Department.[50]

40. The decision to ask an outside force to conduct the investigation was correct, given the seriousness of the concerns about the possible involvement of police officers in Daniel Morgan's murder and the consequent requirement for an independent enquiry. However, the way the investigation was conducted did not demonstrate the level of independence expected.

41. Roland Moyle wrote to DCS Alan Wheeler on 01 July 1988, setting out the expectations of the Police Complaints Authority. These included a requirement to submit regular written reports, on at least a four-weekly basis, outlining progress in the investigation and including copies of statements and other relevant documents.[51]

42. On 14 July 1988, Roland Moyle wrote to Alastair Morgan to inform him that he would be the member of the Police Complaints Authority to supervise the investigation.[52] He explained the Police Complaints Authority's supervisory role, and stated that at the end of the investigation the Police Complaints Authority would issue a statement indicating whether or not it had been conducted to their satisfaction, a copy of which would be sent to Alastair Morgan.[53]

43. On 27 July 1988, a letter was sent on behalf of DAC Peter Winship to the solicitors representing Alastair Morgan and Isobel Hülsmann. This letter gave an overview of the key people involved in the Hampshire/Police Complaints Authority Investigation and stated DCS

44 Interview of former Cdr Kenneth Merton with members of the Panel on 31 May 2016.
45 Letter dated 28 March 2017 from Sir Peter Winship to the Panel.
46 The Panel wrote to Roland Moyle in July 2016, but he was too ill to assist, and he died in July 2017.
47 Memo from Cdr Kenneth Merton to DCS Alan Wheeler, Hampshire Constabulary, MPS020664001, 24 June 1988.
48 Letter from Cdr Kenneth Merton to Roland Moyle, MPS026469001. 24 June 1988.
49 Letter from Roland Moyle to Cdr Kenneth Merton, MPS030032001. 01 July 1988.
50 The Panel was able to meet briefly with former DCS Alan Wheeler and had several telephone conversations with him, prior to his death in April 2017.
51 Letter from Roland Moyle to DCS Alan Wheeler, MPS026465001, 01 July 1988.
52 Letter from Roland Moyle to Alastair Morgan, PNL000117001, 14 July 1988.
53 Letter from Roland Moyle to Alastair Morgan, PNL000117001, 14 July 1988

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Alan Wheeler's intent to interview Alastair Morgan and Isobel Hülsmann.[54] In an officer's report, DCI Paul Blaker, the Deputy Senior Investigating Officer for the Hampshire/Police Complaints Authority Investigation, stated that when he and DCS Wheeler interviewed Alastair Morgan on 03 August 1988, almost six weeks after the appointment of DCS Wheeler, '*it was explained to Mr. Morgan the reason for the Hampshire Constabulary enquiry*'.[55]

44. On 26 August 1988, some two months after he had been appointed, DCS Alan Wheeler met with Isobel Hülsmann and a solicitor. During the course of the meeting, according to DCS Wheeler, they '*discussed the Daniel Morgan murder and I explained my enquiry*'. DCS Wheeler also stated that '*I explained to both of them that I could not tell them my lines of enquiry or the finer points of our investigation*'.[56] When asked whether Isobel Hülsmann or her solicitor would be informed of the outcome of the investigation, DCS Wheeler explained that he '*would not be in a position to do so. But it may be that he* [Isobel Hülsmann's solicitor] *will be told by the Police Complaints Authority*'.

45. The fact and general intention of, and arrangements for, the Hampshire/Police Complaints Authority Investigation were explained to the family of Daniel Morgan, and in particular to his mother and brother. However, this could have been done sooner.

46. From the papers disclosed to the Panel, there does not appear to have been any suggestion by the Police Complaints Authority, Metropolitan Police or DCS Alan Wheeler that the family of Daniel Morgan could have access to the reports arising from the investigation. This later became a contentious issue between the family and the Metropolitan Police (see Chapter 12, The Treatment of the Family).

2.4 DCS Alan Wheeler's approach to his Terms of Reference

47. DCS Alan Wheeler's Terms of Reference suggested that he was expected to investigate the actions of police officers only and implied that the murder investigation being carried out by the Metropolitan Police was to continue. However, there was a great deal of ambiguity within the Terms of Reference in the term '*matters arising*', and it is not clear to the Panel (and, as will be shown, was possibly not entirely always clear to DCS Wheeler or the Police Complaints Authority) whether the term encompassed criminal matters uncovered during the investigation that were not linked to the murder; and whether it also extended to the manner in which the original Metropolitan Police investigation had been conducted. As will also be shown, this lack of clarity appears to have contributed to a loss of focus on possible police corruption and other misconduct.

48. The Hampshire/Police Complaints Authority Investigation's Terms of Reference, which were '[t]*o investigate allegations that police were involved in the murder of Daniel Morgan and any matters arising therefrom*', were not specific enough about what the investigation should cover.

54 Letter to Gabb & Co sent on behalf of DAC Peter Winship, MPS020659001, 27 July 1988.
55 Report of DCI Paul Blaker, MPS018863001, p1, 11 August 1988.
56 Report of DCS Alan Wheeler, MPS022885001, p1, 31 August 1988.

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49. The Terms of Reference should have encompassed not just potential police involvement in the murder, but also, specifically, allegations that police officers undermined the investigation.

50. Years later, in an email from a former member of the Hampshire team, sent to the Home Office in November 2004, responding to questions posed during the preparation of a briefing about the case for a Minister, it was stated that the investigation was a criminal investigation and that, '[t]*he Hampshire terms of reference did not include pursuing disciplinary matters. Any that arose were to be passed back to the met* [sic].'[57]

51. It may be that this was the tacit understanding at the time, as the Panel has seen no documentary or other evidence that this was the policy; nor has it seen any evidence that any of the several disciplinary issues brought to the notice of DCS Alan Wheeler, and discussed in this chapter, were ever referred to the Metropolitan Police.

52. That the Morgan One investigation was to continue was certainly the understanding of D/Supt Douglas Campbell, the Senior Investigating Officer. In a statement made in connection with civil proceedings in 1991, D/Supt Campbell said that at a meeting in June or July 1988 DCS Alan Wheeler had told him that:

> *'I was in charge of the murder investigation and that if in the course of his enquiries he found any additional evidence he would give it to me as part of my on-going investigation*[...]. *My murder investigation was running alongside the PCA* [Police Complaints Authority] *enquiry, although very little further information was being obtained."*[58]

53. Some years later, in April 1996, DCI Thomas Smith of the Metropolitan Police, who was reviewing the aspect of the investigation relating to former Police Officer Z31 (see paragraphs 422-449 below), met the Hampshire/Police Complaints Authority Investigation's Office Manager, a Police Sergeant, and asked why certain actions had not been taken during the Hampshire Investigation. The Police Sergeant had replied that '*they had nothing to go on but that they were not running a murder enquiry anyway'*.[59] In an interview with the Panel, former DCI (later D/Supt) Smith said that, based on his knowledge of the Hampshire/Police Complaints Authority Investigation, he agreed with the Police Sergeant's statement and that in his opinion the Hampshire team had not conducted a full murder investigation.[60]

54. In 1997, during a meeting with solicitors, Alastair Morgan stated that he was informed that DCS Alan Wheeler had changed his Terms of Reference in the middle of the Hampshire/Police Complaints Authority Investigation. Alastair Morgan became concerned that, rather than examining possible police involvement in the murder, as required by his Terms of Reference, DCS Wheeler had moved to a full murder investigation and had not told the Morgan family about this.[61]

57 Email from D/Supt David Kilbride, Hampshire Constabulary, to the Home Office, 04 November 2004.
58 Witness Statement of D/Supt Douglas Campbell, MPS037223001, p14, 05 February 1991, unsigned.
59 Interview of former D/Supt Thomas Smith with members of the Panel, 02 August 2016.
60 Interview of former D/Supt Thomas Smith with members of the Panel, 02 August 2016.
61 *'Untold: The Daniel Morgan Murder Exposed'*, Blink Publishing, by Alastair Morgan & Peter Jukes, p181, 2017.

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55. The Panel sought an explanation from former DCS Alan Wheeler as to whether the Terms of Reference had changed during the course of the investigation. Former DCS Wheeler explained that his Terms of Reference encompassed a range of possibilities, from direct responsibility of officers for the actual murder, to a more arm's length commissioning or supporting role, and a variety of motives including police corruption. He told the Panel that he considered that the Terms of Reference given to him by the Metropolitan Police had been '*too restrictive*'.[62] He therefore decided that, in order to comply with them and establish whether police officers had been involved in the murder, his approach should be to reinvestigate the murder.[63] This was a much wider investigation than that indicated by the established Terms of Reference.[64]

56. Former DS David Kilbride, who later became a Detective Superintendent, of the Hampshire/Police Complaints Authority Investigation, told the Panel that '[t]*he discussion within the MIR* [Major Incident Room] *about the change of approach went on for some time*', almost from the outset. He summarised the change as emerging logically following the posing of the question that the Hampshire/Police Complaints Authority Investigation had to answer: '*Were the police involved in the murder of Daniel MORGAN?*' That could not be answered without knowing who had murdered Daniel Morgan, he explained, which would necessitate a murder investigation rather than a misconduct investigation.[65]

57. DS David Kilbride's statement is supported by the minute of a meeting that took place on 15 July 1988 between DCS Alan Wheeler and Roland Moyle of the Police Complaints Authority. Roland Moyle recorded DCS Wheeler as saying that:

> *'he feels he will have to look at the whole murder enquiry including FILLERY's involvement, which appears to include picking up documentation from the PI's* [private investigator's] *office, which subsequently disappeared.'*[66]

58. It is clear that at that stage, the Police Complaints Authority did not feel that for DCS Wheeler to '*look at the whole murder enquiry*' involved him straying outside his Terms of Reference. However, by September the position had changed. On 02 September 1988, following a meeting between the two men, Roland Moyle noted, '*I told WHEELER he was in effect pursuing a second murder enquiry but if he found the murderer he was to tell me before taking further action, as in view of PII* [Public Interest Immunity]*, presentation was of prime importance*'.[67]

59. Examination of DCS Alan Wheeler's policy file suggests that he formally changed his approach to his Terms of Reference some time prior to mid-November 1988 (although he had not yet obtained approval to do so). Decision 19, dated 14 November 1988, reads:

'*THE INVESTIGATION IS TO CONCENTRATE ON THE ALIBI OF PAUL GOODRIDGE, AND JOHN* [sic] *REES FOR THE NIGHT OF 100387*[.] *THIS IS TO BE TREATED WITH THE UTMOST SECRECY DATED 141188'* (emphasis in original)[68]

62 Telephone conversation between members of the Panel and former DCS Alan Wheeler, 04 April 2016.
63 Telephone conversation between members of the Panel and former DCS Alan Wheeler, 04 April 2016.
64 Terms of Reference for the Hampshire/Police Complaints Authority Investigation, MPS020664001, 24 June 1988.
65 Panel interview of former D/Supt David Kilbride, PNL000269001, 28 June 2016.
66 Minute of meeting, HOM000376001, p4, 15 July 1988.
67 Minute of meeting, HOM000376001, p4, 02 September 1988. It is not clear to the Panel what connection Public Interest Immunity had to this issue.
68 SIO Policy Document Operation Drake decision number 19, MPS035201001, p3, 14 November 1988.

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60. This is the first recording of a decision to focus directly on non-police subjects, rather than on police officers. On 02 November 1988, DCS Alan Wheeler had caused a reconstruction to be carried out at the scene of the murder, which was not obviously directly relevant to the involvement of police officers.[69] In an interim report to the Police Complaints Authority, dated 08 December 1988, he wrote that '[t]*he main thrust of* [my] *investigation has been to re-investigate the murder of MORGAN with emphasis on whether there was police involvement*',[70] and that the main purpose of the report was '*to highlight the diminishing alibis of Paul GOODRIDGE and John* [sic] *REES*'.[71] It should therefore have been clear to the Police Complaints Authority that, by 08 December 1988, DCS Wheeler was investigating matters relating to non-police personnel.

61. The Panel accepts that DCS Alan Wheeler needed to reinvestigate the murder in order to fulfil his Terms of Reference but considers that the decision to reinvestigate should not have entailed losing focus on possible police involvement.

62. On 19 December 1988, Roland Moyle discussed the investigation with the Chair of the Police Complaints Authority, Sir Cecil Clothier, who agreed that '*it would be in order and an integral part of the complaints investigation for WHEELER to arrest and charge REES/GOODRIDGE/Jean WISDEN*'.[72]

63. On 20 December 1988, a number of telephone conversations took place between DCS Alan Wheeler, Chief Constable John Hoddinott of Hampshire Constabulary, Roland Moyle and AC John Smith of the Metropolitan Police, in which DCS Wheeler sought and was granted permission to seek the advice of the Director of Public Prosecutions concerning the strength of the evidence that had been gathered to date against Jonathan Rees, Paul Goodridge and Jean Wisden.[73] Subsequently, DCS Wheeler met with AC Smith and it was agreed that his investigation '*should continue, but in the furtherance of prosecuting the suspects*'.[74]

64. An entry in DCS Wheeler's policy file, dated 13 January 1989, recorded that it had been decided that he was to '*remain the SIO and to investigate the murder of Daniel Morgan*'.[75] Despite this policy decision, no change was made to the written Terms of Reference, and D/Supt Campbell was not informed of the decision.

65. In a record of a meeting that took place on 05 April 1995, between lawyers representing the Metropolitan Police and lawyers representing Hampshire Constabulary in a civil action, commenced by Jonathan Rees, it was noted:

69 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p14, para 56, 04 September 1989.
70 Interim Report of DCS Alan Wheeler to the Police Complaints Authority, MPS022468001, p3, para 9, 08 December 1988.
71 Interim Report of DCS Alan Wheeler to the Police Complaints Authority, MPS022468001, p3, para 10, 08 December 1988.
72 Minute of meeting, HOM000376001, p4, 19 December 1988.
73 Telephone call from DCS Alan Wheeler to Roland Moyle, MPS028830001, 20 December 1988.
Telephone call from Roland Moyle to DCS Alan Wheeler, MPS028827001, 20 December 1988.
Telephone call from Chief Constable John Hoddinott to DCS Alan Wheeler, MPS028826001, 20 December 1988.
Notes of telephone conversations, HOM000376001, p5, 20 December 1988.
Witness statement of former Superintendent Paul Blaker, MPS000880001, p19, paras 81-82, 25 July 1996.
74 Witness statement of former DCS Alan Wheeler, HAM000315001, p34, paras 53-55, 24 July 1996.
75 SIO Policy Document Operation Drake decision 23, MPS035201001, p4, 13 January 1989.

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'There was reference to the situation when DCS Wheeler approached [AC John Smith]. [… A] *decision was made for Hampshire to prosecute, as if the prosecution failed in the Met's hands, there would have been even more criticism.'*[76]

66. This meeting of the lawyers took place some six years after the decision to transfer the responsibility for investigating Daniel Morgan's murder from the Morgan One Investigation to the Hampshire/Police Complaints Authority Investigation, and no one involved in that decision was present. However, it must be presumed that the lawyers based their statement on some authority, either contemporaneous or a later written record that the Panel has not seen, or from conversation with those involved. This strongly suggests that the motive for the decision was at least partly to protect the reputation of the Metropolitan Police, as much as it was to allow DCS Alan Wheeler to comply effectively with his Terms of Reference.

67. In a later report to the Metropolitan Police Authority in January 2006 (see Chapter 7, The 2006 Report from the Metropolitan Police Service to the Metropolitan Police Authority), DAC John Yates said:

'There is no indication or evidence that can be found that, once initially agreed, the Terms of Reference were ever changed. Officers from Hampshire were interviewed during the 2002 investigation and when this was suggested it was denied in the strongest possible terms.'[77]

68. DAC John Yates accepted, however, that a change of strategy had occurred and said that it was '*a natural approach to adopt, for although it was specifically tasked to look at "Police involvement" it would have been criticised if it had not consider* [sic] *the potential involvement of other parties*'.[78]

69. Although at the beginning of 1989 D/Supt Douglas Campbell was working with reduced numbers of staff, he was continuing to pursue his investigation. However, he later recorded that he did not become aware of the fact that DCS Alan Wheeler was also investigating the murder until the day after the arrests of 31 January 1989 (see paragraph 367 below), when he was told about them by the Metropolitan Police Press Office, after it had been contacted by the *Daily Mirror* newspaper.[79] Then, on 03 February 1989, he was informed that AC John Smith had taken the decision that DCS Wheeler now had full responsibility for investigating Daniel Morgan's murder and that the Police Complaints Authority had agreed to this.[80]

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76 Metropolitan Police Solicitor's Department Attendance Note, MPS038840001, p2, 05 April 1995.
77 Report of DAC John Yates to the Metropolitan Police Authority, MPS105740001, p36, para 215, 31 January 2006.
78 Report of DAC John Yates to the Metropolitan Police Authority, MPS105740001, p37, para 217, 31 January 2006.
79 Policy File of D/Supt Douglas Campbell, decision 33, MPS004821001, p34, 03 February 1989.
80 Policy File of D/Supt Douglas Campbell, decision 33, MPS004821001, p34, 03 February 1989.

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70. In a witness statement dated 24 July 1996, DCS Alan Wheeler stated that shortly before Christmas 1988 his investigation '*indicated MORGAN had been murdered by REES and/or GOODRIDGE*'. He then '*offered to undertake the prosecution* [sic] *into MORGAN'S murder*'.[81] He said:

> *'I saw no conflict in investigating the allegations of Police involvement and later investigating or reinvestigating the murder of MORGAN.*
>
> *'In the back of my mind was the fact that allegations of Police involvement would only be completely proved or disproved if the culprits responsible for MORGAN'S murder were brought to book and it was found that they were assisted or not assisted by the Police.*
>
> *'I felt the murder of MORGAN had to be reinvestigated because that was the only way I could ascertain whether there was police involvement or not.'*[82]

71. DCS Alan Wheeler went on to say:

> *'I was not totally happy with this intended course of action. I did not want to keep Detective Superintendent CAMPBELL out of this, but I had to if my investigation was to keep its integrity. I had to be independent. Because of REES' conduct with policemen, I felt I had to keep the original Metropolitan Investigation Team at arms* [sic] *length. I did not want this, but I felt I had no choice.'*[83]

72. DCS Alan Wheeler was investigating non-police involvement in the murder at least two months before obtaining formal approval to do so from the Metropolitan Police and the Police Complaints Authority.

The Terms of Reference should have been revised in December 1988, once the decision had been taken to approve the investigation of the murder as a whole, rather than matters relating to police officers. D/Supt Douglas Campbell should have been informed, and the Morgan One Investigation should have been closed. The Hampshire/Police Complaints Authority investigation's task would have been clarified had the Terms of Reference been revised.

73. It is clear that the change of approach to the Terms of Reference and the change in role, from investigating police officers to investigating a murder allegedly committed by other individuals who were not police officers, caused the Police Complaints Authority some concern. On 01 February 1989, after Jonathan Rees, Paul Goodridge and Jean Wisden had been arrested, a memorandum was issued to all Police Complaints Authority staff and was also published as a press release. It stated that the Police Complaints Authority was '*resolutely determined*' that the fact that evidence gathered during a Police Complaints Authority-supervised investigation could also be used for the purpose of arresting and possibly charging people with a crime '*should not happen as a general Authority policy*'. The memorandum went on to state:

81 Witness statement of former DCS Alan Wheeler, HAM000315001, p34, paras 53-54, 24 July 1996.
82 Witness statement of former DCS Alan Wheeler, HAM000315001, pp8-9, paras 29-31, 24 July 1996.
83 Witness statement of former DCS Alan Wheeler, HAM000315001, p34, para 56, 24 July 1996.

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> *'The reply to such allegations is that the arrests are an integral part of the complaints investigation*[...]. [DCS Wheeler] *has been reviewing the original murder investigation. Clearly, the best way of demonstrating the inadequacy of the original investigation is to find out who the murderer actually is. To this end it has been necessary to arrest three people to assist the Hampshire Police with their enquiries.'*[84]

74. A decision was taken by the Director of Public Prosecutions in May 1989 to discontinue criminal proceedings against Jonathan Rees and his two co-defendants. DCS Wheeler's focus then returned to the matter of '*police involvement*'. In a minute of a meeting held on 16 May 1989, Roland Moyle noted, '*DCS WHEELER now intends to resume the main enquiry*',[85] which has been interpreted to be a reference to the original purpose of the investigation. However, a week earlier, on 10 May, Roland Moyle had sent a memorandum to the Police Complaints Authority Press Officer in which he said, '[t]he *investigation into the way in which the Metropolitan Police investigated the murder of Daniel MORGAN in 1987 and complaints relating thereto* [...] *will continue*'.[86] It is not clear exactly what the phrase '*the way in which the Metropolitan Police investigated the murder*' encompassed: for example, whether it included the efficacy of the manner in which D/Supt Douglas Campbell had carried out his investigation, or whether it was restricted to allegations that corruption had played a part in thwarting the investigation, or otherwise.

75. It was not clear whether there was a requirement for the Hampshire/Police Complaints Authority Investigation to investigate the manner in which the original murder investigation had been conducted. Although the Police Complaints Authority memorandum of 10 May 1989 from Roland Moyle stated that DCS Alan Wheeler would do just this, there was no explicit instruction to do so, nor any evidence that DCS Wheeler did so in any coordinated and focused manner.

There was a risk of duplication of effort, and of either or both the Hampshire/Police Complaints Authority and Morgan One Investigation being compromised by the lack of coordination and clear division of responsibility between them. There is no evidence that any steps were taken to ameliorate the consequences of two parallel investigations taking place into the same murder. The decision to allow both investigations to run at the same time was wrong.

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84 Memo from Police Complaints Authority to all Authority members and press release, HOM000376001, p5, 01 February 1989.
85 Minute of meeting, HOM000376001, p 7, 16 May 1989.
86 Memorandum from Roland Moyle to Police Complaints Authority, HOM000376001, p7, 10 May 1989.

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3 Operation Drake: the establishment of a Major Incident Room and investigation team

3.1 Initial steps: liaison with the Metropolitan Police and staffing levels of the Hampshire team

76. DCS Alan Wheeler's first task in June 1988 was to familiarise himself and his team with the detail of the Morgan One Investigation and with the operation of the Major Incident Room. To that end, he was briefed by senior Metropolitan Police officers. He also met with D/Supt Douglas Campbell on several occasions, and with the Coroner, Sir Montague Levine. He informed the Panel that he was satisfied with the cooperation he received from both men.[87]

77. He also took possession of copies of the Metropolitan Police's papers, including a copy of the MICA database, which was then transferred onto Hampshire's HOLMES[88] system.[89] However, the incompatibility of the two systems and the relatively unsophisticated computer technology of the day meant that this was a lengthy exercise, and it was not completed until 12 September 1988.[90,91]

78. Towards the end of July 1988, as part of this process, specialist officers from the Hampshire Constabulary/Police Complaints Authority Investigation spent some time in the Metropolitan Police's Major Incident Room speaking with key staff about the operation of the room and the administration of the investigation. The Morgan One Investigation's Office Manager, DS Malcolm Davidson, when asked by the Panel, recalled that they were there for about two weeks.[92] Their findings were set out by one of the officers in a report, which was severely critical of what they discovered (see paragraphs 86-95).[93]

79. The Metropolitan Police offered DCS Alan Wheeler accommodation for his Major Incident Room at Feltham Police Station, but he declined and instead occupied facilities at Fareham Police Station in Hampshire.[94,95] The Panel has been informed by one of DCS Wheeler's officers that throughout the investigation he was insistent that a clear distance should be kept between the Hampshire Constabulary team and the Metropolitan Police and that, largely for security reasons, no Metropolitan Police facilities were to be used.[96] Initially his team comprised 15 staff, although the numbers fluctuated above and below that during the next 14 months.[97]

80. A Detective Sergeant from the Metropolitan Police was appointed as liaison officer between the Hampshire/Police Complaints Authority Investigation and the Metropolitan Police Complaints Investigation Bureau.[98] It is not clear if a liaison officer was appointed between the Hampshire/Police Complaints Authority Investigation and the Morgan One Investigation, which continued to operate until February 1989, at which time entire responsibility for the murder

87 Interview of former DCS Alan Wheeler by members of the Panel, 24 March 2015.
88 HOLMES is the Home Office Large Major Enquiry System. The HOLMES computer was introduced to manage major crime investigations in England, Wales and Scotland in the 1980's. HOLMES databases record documentation generated during an investigation and contain indices of the information within that documentation.
89 Interview of a Police Constable, Hampshire Constabulary HOLMES team, by members of the Panel, 24 February 2016.
90 Report of PS John Riddell, Hampshire Constabulary HOLMES team, MPS022903001, 12 September 1988.
91 Report of DCS Alan Wheeler to the Police Complaints Authority, MPS020651001, p4, para 10, 04 September 1989.
92 Interview of former DS Malcolm Davidson by members of the Panel, 20 October 2015.
93 Report of PS John Riddell, Hampshire Constabulary HOLMES team, MPS022906001, 28 July 1988.
94 Interview of former DCS Alan Wheeler by members of the Panel, 24 March 2015.
95 Memorandum from DCS Alan Wheeler to staff at Fareham and Portsmouth Police Stations, MPS026981001, 28 July 1988.
96 Panel interview of former D/Supt David Kilbride, PNL000269001, 28 June 2016.
97 Memorandum from DCS Alan Wheeler to staff at Fareham and Portsmouth Police Stations, MPS026981001, p2, 28 July 1988.
98 Letter from DCS Alan Wheeler to Cdr Kenneth Merton, MPS025520001, p2, 13 September 1988.

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investigation was transferred to the Hampshire/Police Complaints Authority.[99] However, former DS Malcolm Davidson, the Morgan One Investigation's Office Manager told the Panel that, after the initial contact and transfer of papers, they heard nothing more from the Hampshire team until about the time arrests were made some months later.[100]

81. After responsibility for the murder investigation was transferred from the Morgan One Investigation, a more senior officer, D/Supt Alan Lewis, was appointed as liaison officer between the Metropolitan Police Complaints Investigation Bureau and the Hampshire/Police Complaints Authority Investigation, something which the Police Complaints Authority was informed of on 18 January 1989.[101] D/Supt Lewis worked with the Hampshire/Police Complaints Authority Investigation full-time in the lead up to the arrests of Jonathan Rees, Paul Goodridge and Jean Wisden and until charges were subsequently laid, and he shared the office at Fareham Police Station occupied by DCS Alan Wheeler and DCI Paul Blaker.[102]

82. The Panel was unable to question former DCS Alan Wheeler about the staffing numbers (15 members of staff initially), which seems to the Panel to be very few in number for a complex murder investigation. However, former DCI Paul Blaker told the Panel that, in his view, '*the staffing level was the minimum but* [...] *that if additional staff had been required then Mr Wheeler would have been able to organise it*'. He was unaware of any constraints placed on the investigation by Hampshire Constabulary.[103]

83. Former D/Supt Douglas Campbell told the Panel that he had never been given any information about the work of the Hampshire officers but that when DCS Alan Wheeler '*started criticising* [his] *investigation*' he assumed that they must have had more resources at their disposal than he had been given.[104] On the point of resources, he subsequently informed the Panel that DCS Wheeler had told him that, if the investigation had been in Hampshire and he had had to interview a large number of persons who had been in a public house, he would simply have summoned as many officers as there were witnesses and allocated an officer to each witness and would have had a statement from each by the next day.[105] However, the Panel is unclear as to the wider nature of any criticisms to which former D/Supt Campbell was referring and in what form they were conveyed.

84. The Hampshire/Police Complaints Authority team was initially comprised entirely of supervisory and managerial ranks and no Detective Constables were deployed until the end of January 1989, when seven additional officers were attached to the investigation to assist with the arrests of Jonathan Rees, Paul Goodridge and Jean Wisden on 31 January 1989, '*and the subsequent urgent enquiries*'.[106] A member of the Hampshire/Police Complaints Authority Investigation told the Panel that the investigation was poorly resourced compared with more typical murder investigations carried out in Hampshire, where it was not unusual for 50 or more detectives to be deployed.[107] However, he also said that the Hampshire/Police Complaints Authority Investigation '*was not seen as being in the initial response stage so it did not attract the 50-100 strong team of detectives that a brand new murder would have. That was why there*

99 Policy file of D/Supt Douglas Campbell decision 33, MPS004821001, p 34, 03 February 1989.
100 Interview of former DS Malcolm Davidson by members of the Panel, 20 October 2015.
101 Telephone conversation between Roland Moyle and DCS Alan Wheeler, MPS028787001, 18 January 1989.
102 Witness statement of former Supt Paul Blaker, HAM000880001, p20, para 84, 25 July 1996.
103 Letter from former DCI Paul Blaker to the Panel, 24 January 2017.
104 Interview of former D/Supt Douglas Campbell by members of the Panel, 11 February 2015.
105 Email from former D/Supt Douglas Campbell to the Panel, 04 April 2017.
106 Report from DCS Alan Wheeler to Roland Moyle, MPS020651001, p37, para 145, 04 September 1989 and *'Operational order – Drake arrests'*, MPS025706001, p2, 31 January 1989.
107 Panel interview of former Supt David Kilbride, PNL000269001, 28 June 2016.

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were two teams of two conducting the enquiries in London.' Former DCI Paul Blaker later said '[i]*t was directed that all witnesses who had been interviewed by Metropolitan Police Officers would be revisited and re-interviewed by Hampshire Investigating Officers*' and '[a]*ll Police Officers who had been involved in the Metropolitan murder investigation would be visited by Hampshire investigating Officers and interviewed in respect of their involvement*'.[108] This would have been a major task involving interviewing several hundred people. No such decision was ever recorded.

85. The Panel has been unable to ascertain whether the staffing level was the result of a deliberate policy, designed to keep what was a sensitive investigation secure, or whether it had more to do with a reluctance or inability on the part of Hampshire Constabulary to provide the necessary resources for an investigation in another police force area. The Panel notes and accepts to a limited degree the assertion that because the investigation was not dealing with the initial stages of a murder enquiry, it did not require the large numbers of staff usually deployed in the first days. Nevertheless, many of the tasks directed to be undertaken, such as the re-interviewing of all witnesses and police officers involved in the Morgan One Investigation, and the surveillance carried out on Jonathan Rees and Margaret Harrison (see paragraphs 271-283 below), demanded far more personnel than were deployed if they were to be carried out effectively and in a timely manner.

The low staffing levels and the structure of the Hampshire/Police Complaints Authority Investigation (until January 1989 consisting entirely of a handful of officers of supervisory and managerial rank) remained throughout more suited to a misconduct enquiry than to a murder investigation, and this had an adverse effect on the effectiveness of the investigation.

3.2 Analysis of the administration of the Morgan One Investigation

86. In the initial stages of the establishment of the Hampshire/Police Complaints Authority Investigation, PS John Riddell, a HOLMES specialist with Hampshire Constabulary, was tasked by DCS Alan Wheeler to conduct an analysis of the administration of the Morgan One Investigation's Major Incident Room. This was not with a view to assessing the integrity or effectiveness of the enquiry but rather in order to assist with the transfer of data and the launch of the Hampshire Investigation. However, in the event, PS Riddell produced a ten-page, typewritten report, which, as well as dealing with the technical issues surrounding the transfer of data, was highly critical of the operation of the Metropolitan Police investigation and of the running of the Major Incident Room in particular. It was produced on 28 July 1988 and fed into the Hampshire HOLMES system by PS Riddell himself.[109,110]

87. Among other issues, the report criticised the fact that the Senior Investigating Officer, D/Supt Douglas Campbell, had not maintained a policy file[111] and the excessive number of roles within the incident room undertaken by the '*Office Manager*', DS Malcolm Davidson, contrary

108 Witness statement of former Supt Paul Blaker, HAM000339001, pp12-13, paras 48 and 49, 25 July 1996.
109 Report of PS John Riddell, Hampshire Constabulary HOLMES team, MPS022906001, 28 July 1988.
110 Interview of former PS John Riddell by members of the Panel, PNL000215001,13 January 2016.
111 Report of PS John Riddell, Hampshire Constabulary HOLMES team, MPS022906001, p2, 28 July 1988.

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to the practices laid down in the national procedures. There was no personal criticism of DS Davidson in this regard, as the situation was perceived to be largely the result of the manner in which the Metropolitan Police conducted murder enquiries at the time.[112]

88. In the report, PS John Riddell described the failure to allocate and operate roles in the normal way, so as to ensure quality assurance in the investigation, as '*a recipe for disaster*'.[113] He also commented that '*better organisation within the incident room was required*' and reported that examination of the filed papers revealed serious shortcomings in the procedures for handling documents. For example, a random check on a Morgan One Investigation document containing the names and addresses of people who had been '*at the scene*' of the murder, revealed two individuals who had not been entered onto the Metropolitan Police database and thus had not been interviewed. PS Riddell concluded that the shortcomings he had identified '*would undoubtedly affect the successful conclusion of an enquiry*' and this was '*a serious cause for concern*'.[114]

89. PS John Riddell searched for copies of the '*marked up and /or indexed copies*' of statements taken during the investigation. These are copies of statements that have been read by the Statement Reader and would have indicated on them the significant details within them which were to be 'indexed' on the database. He was unable to find them and so asked DS Malcolm Davidson where they were. DS Davidson replied that he had destroyed them as the investigation had begun to be run down because he no longer considered them of any use. This response led PS Riddell to conclude: either that material '*had been removed before* [his] *visit, as close knowledgeable inspection would disclose incident room failings and/or other incriminating evidence*'; or that DS Davidson was so inexperienced in major incident procedures that he did not realise the importance of dealing with the files properly; or that the material had never existed in the first place.[115] He thought that the explanation given was '*totally unacceptable*' and concluded that there was '*little doubt that important lines of enquiry appear to have been missed*'.[116] In October 2020, former DS Davidson informed the Panel that he did not recall this conversation with PS Riddell, and that he had not withheld or destroyed any documents to the detriment of the Morgan One investigation and nor had anyone else, as far as he was aware.

90. The Panel also raised the issue of the number of roles held by DS Malcolm Davidson with former DS Davidson himself in an interview in November 2014. He readily acknowledged that he had carried out several roles but said that he had shared the 'Statement Reader' role with D/Supt Douglas Campbell. He also pointed out that he had never received any training in running a Major Incident Room in accordance with the procedures introduced in 1982[117] and that this was one of the first investigations in which he had used Major Incident Room Standard Administrative Procedures stationery.[118]

91. None of the police officers deployed to carry out word processing and indexing in the Morgan One Investigation was a trained typist. PS John Riddell considered that this is likely to have led to inaccuracies in typing. Proofreading, which was best practice in every investigation so as to ensure the accuracy of typed documents compared with handwritten originals, had not been carried out.[119]

112 Report of PS John Riddell, Hampshire Constabulary HOLMES team, MPS022906001, 28 July 1988.
113 Report of PS John Riddell, Hampshire Constabulary HOLMES team, MPS022906001, p2, 28 July 1988.
114 Report of PS John Riddell, Hampshire Constabulary HOLMES team, MPS022906001, pp4-5, 28 July 1988.
115 Report of PS John Riddell, Hampshire Constabulary HOLMES team, MPS022906001, pp3-4, 28 July 1988.
116 Report of PS John Riddell, Hampshire Constabulary HOLMES team, MPS022906001, pp7-8, 28 July 1988.
117 The Association of Chief Police Officers (ACPO) published the first edition of MIRSAP in 1982.
118 Panel interview of former DS Malcolm Davidson, PNL000196001, 20 October 2015.
119 Report of PS John Riddell, MPS022906001, p4, 28 July 1988.

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92. PS John Riddell later submitted a further report after he had reviewed the files relating to the house-to-house enquiries carried out by the Morgan One Investigation in the vicinity of the Golden Lion public house. In it, he made the following observations:

> *'As a general comment the house-to-house questionnairing* [sic] *was poorly undertaken & not fully completed. There is no marking-up of this documentation which would tend to indicate that once more there was no proper "reading" or follow-up of the information on the documents. There is in my opinion grounds to undertake further enquiries & interviews of some of the individuals seen by the Metropolitan Police.'*[120]

93. The Panel met former PS John Riddell in January 2016. He explained that initially he received no feedback about his first report, but that some months after he had submitted it, he had '*bumped into*' DCS Alan Wheeler at a social function. DCS Wheeler made reference to the report and said that it had caused him '*quite a few problems*' but he did not elaborate.[121]

94. On 16 November 1988, the Deputy Chair of the Police Complaints Authority, Roland Moyle, telephoned DCS Alan Wheeler, who recorded the exchange somewhat succinctly:

> *'Roland Moyle: "I have read the statement* [sic] *of Sgt Riddell. I am concerned about his comments and have you dealt with them and considered them – regarding the incident room at St Mary Cray?"*
>
> *'DCS Wheeler: "Yes".'*[122]

95. This is clearly a reference to the report of PS John Riddell on the administration of the Morgan One Investigation and is perhaps the source of the '*problems*' about which DCS Alan Wheeler spoke with PS Riddell. The report by PS Riddell was not referred to in DCS Wheeler's final report to the Police Complaints Authority. DCS Wheeler should have dealt with the issues raised by PS Riddell in his final report to the Police Complaints Authority. As both men are now deceased, the Panel has been unable to discuss this issue with either Roland Moyle or former DCS Wheeler.

3.3 Analysis of Morgan One forensic-related matters: report by DCI Terence Farley

96. In addition to PS John Riddell's analysis (see paragraphs 86-95 above), DCI Terence Farley, Head of the Scenes of Crime Department of Hampshire Constabulary, was tasked by DCS Alan Wheeler with reviewing the forensic aspects of the Morgan One Investigation. As with PS John Riddell, it appears that the original aim of DCI Farley's task was to assist with the launching of the Hampshire Investigation, but his report also serves to inform a wider analysis of the integrity and effectiveness of elements of the Morgan One Investigation and the manner in which it was scrutinised and reported on by the Hampshire/Police Complaints Authority Investigation.

97. DCI Terence Farley carried out his review between 06 September and 27 October 1988 and interviewed in depth all the personnel involved in the forensic aspect of the Metropolitan Police investigation, in addition to reviewing the papers relating to forensic and scene examination.

120 Report of PS John Riddell, MPS022904001, 23 August 1988.
121 Panel interview of former PS John Riddell, PNL000215001,13 January 2016.
122 Message from Roland Moyle to DCS Alan Wheeler, MPS030461001, 16 November 1988.

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He noted that the Senior Investigating Officer, D/Supt Douglas Campbell, had not personally consulted with or visited the Forensic Science Laboratory in connection with the case until 07 July 1988, some 16 months after Daniel Morgan's murder.[123]

98. He produced a detailed report, which he submitted to DCS Alan Wheeler, and while he found no corruption in the forensic aspects of the investigation, he concluded that:

> *'forensically the case was not handled at all professionally and there was obvious neglect probably through either ignorance or incompetence and fragmented involvement. There was an obvious lack of direction, co-ordination, management and supervision. The initial effort must be described as pathetic.'*[124]

99. DCI Terence Farley also gave details of an informal discussion which he had had with D/Supt Douglas Campbell on 26 October 1988. During the conversation, D/Supt Campbell disclosed his personal views of the investigation, his frustration at the lack of progress and his concerns regarding some of the officers working on his team.

100. DCI Farley went on to say:

> *'If required, I can elaborate on my opinion of:*
>
> *a. Detective Superintendent Campbell who I have known personally for a number of years;*
>
> *b. the known and suspected criminal involvement by police officers;*
>
> *c. the robbery enquiry which featured in this case;*
>
> *d. a double agent;*
>
> *e. the suicide of a detective officer; and*
>
> *f. unwise criminal and domestic associations by Metropolitan police officers revealed during the course of the original enquiry.'*[125]

101. There is no evidence that DCI Terence Farley was ever asked to elaborate on his offer by DCS Alan Wheeler. When asked by the Panel about the report, former DCS Wheeler said that he remembered it well but thought that it was '*over critical and too cynical*' and that if he had been aware of its contents before it was submitted '*it would not have read the way it did. Nevertheless, it's his report and should stand on its own merit*.' However, somewhat incongruously, later in the conversation with the Panel, DCS Wheeler acknowledged that DCI Farley's conclusions were '*probably correct*'.[126]

102. Former DCS Alan Wheeler told the Panel that, while he remembered a reference to the death by suicide of a police officer, he could not remember any of the other points, but he did observe that he thought it could not be right that DCI Terence Farley had known D/Supt Douglas Campbell for a number of years, as DCI Farley had never served in the Metropolitan Police.[127]

123 Report of DCI Terence Farley, MPS005270001, p17,19 January 1989.
124 Report of DCI Terence Farley, entitled *'Operation Drake – Enquiries into the Forensic Aspect of the Original Investigation of the Murder of Daniel Morgan at Sydenham, London SE26, on the 10th March 1987'*, MPS005270001, p23, 19 January 1989.
125 Report of DCI Terence Farley, MPS005270001, pp19-20, 19 January 1989.
126 Telephone conversation between former DCS Alan Wheeler and a member of the Panel, 08 April 2015.
127 Telephone conversation between former DCS Alan Wheeler and a member of the Panel, 08 April 2015.

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In January 2010 former DCI Farley was questioned about this by defence solicitors acting for Jonathan Rees, and he told them that he had previously been on a course with D/Supt Campbell. However, in relation to the other matters he had listed in his report he stated that he could recall nothing.[128] The Panel sought an interview with former DCI Farley, but he did not respond to the invitation.

103. DCI Terence Farley interviewed his last witness on 27 October 1988. His report was submitted on 19 January 1989. However, it was not registered on the Hampshire/Police Complaints Authority Investigation HOLMES database until much later, on 08 March 1989. Perhaps significantly, it was not registered as an 'Officer's Report', as it should have been in accordance with the Major Incident Room Standard Administrative Procedures, but as an 'Other Document', and not typed onto HOLMES.[129,130] This would have made accessing its contents or identifying its importance impossible via the computer. It could only be read if the original document was located.[131]

104. There is no evidence that either of the two staff who were Statement Readers in the Hampshire/Police Complaints Authority Investigation saw the report. Former DS David Kilbride, one of the Statement Readers, who would have normally read it, had it been handled properly in accordance with Major Incident Room Standard Administrative Procedures, told the Panel that he had no recollection of ever having seen it. He explained that he would have had a particular interest in any document concerning the forensic matters surrounding Daniel Morgan's death, as he had a special interest in forensic issues and had spent a lot of time considering them in the context of the Daniel Morgan investigation.[132]

105. Apart from a brief reference to Jonathan Rees, there is no evidence that any of DCI Terence Farley's conclusions, whether concerning forensic issues or the matters raised with him by D/Supt Douglas Campbell, were taken any further by DCS Alan Wheeler, or even discussed with DCI Farley. Nor is there any evidence that DCS Wheeler reported the matters to the Metropolitan Police or to the Police Complaints Authority.

106. Former DCS Alan Wheeler's remarks to the Panel, about the report by DCI Terence Farley, combined with his reported remarks concerning PS John Riddell's report,[133] are indicative of the fact that the way in which both reports were dealt with may have been a conscious act, rather than an inadvertent one. It suggests that DCS Wheeler was anxious that criticism of the Metropolitan Police Service investigation was at the very least kept to a minimum, if not entirely suppressed.

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128 Account of telephone call to Cousins Tyrer Solicitors by former DCI Terence Farley, CLA000057001, 08 January 2010.
129 In accordance with MIRSAP.
130 Operation Drake Document D443, MPS005270001, 19 January 1989.
131 Amongst the series of filed original copies of Operation Drake Other Documents in respect of document D443, which was the Farley report, there is only a plain sheet of A4 paper. There is no form MIR/15 appended to the front as with other Other Documents. Handwritten on the paper is: *'D443 in basket to* [sic] *large. D/C/I's* [sic] *FARLEY's Report.'* The report itself is missing, MPS025792001 (undated).
132 Panel interview of former D/Supt David Kilbride, 28 June 2016.
133 PS Riddell told the Panel that he entered his report onto the HOLMES database from his office at Hampshire Constabulary headquarters.

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3.4 DCS Alan Wheeler's policy relating to investigative actions

107. In his first recorded policy decision, taken on or about 25 July 1988, DCS Alan Wheeler instructed that investigative actions should be directed and authorised only by him or by his deputy, DCI Paul Blaker.[134] This was not consistent with normal policy as provided for in the Major Incident Room Standard Administrative Procedures and has not been explained. Normally when a Statement Reader,[135] having read a document submitted during an investigation, considered that further action was required arising out of its contents, this would be indicated on the document and would be considered an explicit instruction.[136] However, during the Hampshire/Police Complaints Authority Investigation, the Statement Reader's directions were only regarded as advisory and were subject to ratification by DCS Wheeler or DCI Blaker. The Panel questioned the Statement Reader about this and he confirmed that this was not the usual practice in Hampshire murder enquiries, where Major Incident Room Standard Administrative Procedures rules were always followed.[137] It was not possible for the Panel to ask former DCS Wheeler this question, but former DCI (later Supt) Blaker was asked by the Panel and was of the view that the reason was '*an attempt to keep the lines of enquiry tight and focussed*'.[138] The Panel has seen a number of examples of sensible and potentially fruitful investigative actions indicated by the Statement Reader that were not accepted by DCI Blaker and were not therefore carried out, to the undoubted detriment of the investigation. Some specific instances will be discussed throughout this chapter.[139]

108. The decision by DCS Alan Wheeler that investigative actions could only be directed by him or by DCI Paul Blaker, rather than allowing the normal procedures to take effect, had an adverse effect on the conduct of the investigation. The suggestion by former DCI Blaker that this was an attempt to keep tight lines of enquiry and focus is not convincing as, when operated correctly, the procedures set out in Major Incident Room Standard Administrative Procedures enable exactly this. Both DCS Wheeler and DCI Blaker were detectives of immense experience who had operated at senior levels within major investigations many times and would have been aware of this. The Major Incident Room Standard Administrative Procedures should have been followed.

3.5 Witness evidence: Kevin Lennon

109. Within three days of establishing the investigation, DCS Alan Wheeler and DCI Paul Blaker interviewed Kevin Lennon, who had made the allegation (initially to former DCI Laurence Bucknole) that Jonathan Rees had engaged police officers stationed at Catford Police Station either to kill Daniel Morgan themselves or to arrange for him to be killed.

134 SIO Policy document Operation Drake, decision 1, MPS035201001, p2, 25 July 1988.
135 The statement reader was an experienced investigator who had responsibility for reading in detail all documentation coming into the MIR, indicating the content to be indexed and raising actions to be raised, MIRSAP 1982, Section 4.8.
136 Major Incident Room Standardised Administrative Procedures (MIRSAP) 1982, p19, section 4.8.
137 Panel interview of former D/Supt David Kilbride, 28 June 2016.
138 Letter from former Supt Paul Blaker to the Panel, 24 January 2017.
139 The Panel makes the assumption that in all these cases DCI Blaker was acting fully in accordance with the policy set out by DCS Wheeler. In a statement made in 1996 in connection with the civil action by Paul Goodridge against Hampshire Constabulary, former Supt Blaker said, *'In my position as the Deputy to Detective Chief Superintendent WHEELER I was made aware of all matters. I saw all documentation which was generated by the investigation team and directed lines of enquiry to be pursued. Mr WHEELER and I operated out of one office which we shared and it was our normal practice to discuss together the evidence, further lines of enquiry and ensure that between us there was an open free flowing exchange of information, intelligence, ideas and concerns. I never at any time felt that I was kept in ignorance of any matter.*' Witness statement of former Supt Paul Blaker, HAM000880001, p10, para 39, 25 July 1996.

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110. In two detailed statements taken in September 1987, Kevin Lennon had:

i. described the increasingly acrimonious relationship between Daniel Morgan and Jonathan Rees, and said that over a period of time Jonathan Rees '*grew to despise and hate MORGAN'*, because of his alleged '*sloppiness*' and the '*annoying aspects'* of his personality, as well as disdain for his physical disability;

ii. alleged that Jonathan Rees had made a number of attempts to have Daniel Morgan breathalysed or arrested by the police for drink-driving, in order to get rid of Daniel Morgan from their partnership;

iii. alleged that Jonathan Rees had stated on several occasions that he wanted Daniel Morgan killed;

iv. claimed that Jonathan Rees had asked him if he knew anyone who would be able to kill Daniel Morgan and then asked him to find someone to carry out the murder;

v. alleged that Jonathan Rees had later told him that he had arranged for his '*mates at Catford Nick'* to carry out the murder, that they were either going to kill Daniel Morgan themselves or arrange for others to do so, within the area covered by Catford Police Station, so that they could be sure of being involved in the subsequent investigation;

vi. said that Jonathan Rees had told him that he would have to pay the police £1,000 for this;

vii. stated that Jonathan Rees had told him that once Daniel Morgan was dead, DS Sidney Fillery, who was aware of the plans for the murder, would receive a medical discharge from the police and replace him as Jonathan Rees's partner at Southern Investigations.[140,141]

111. DCS Alan Wheeler and DCI Paul Blaker met Kevin Lennon on 28 July 1988 with a view to assessing his credibility. DCS Wheeler later reported that:

> '[i]*t is difficult to assess Lennon's credibility or truthfulness in such a short time. He was sober, well-dressed, in good control of himself and didn't vary from his previous statements'.*

However, he continued:

> '[o]*n balance it is difficult to believe* [him]*. None of the important parts of his statement is substantiated or corroborated.* [He] *says Rees was going to arrange for Morgan to be breathalysed – this was never done. Lennon had a strong motive for assisting the murder investigation.* [He] *was assisted at the Crown Court because of his help and he received a suspended sentence.'*[142]

112. DCS Alan Wheeler decided to review the situation in one month, when he would have been better able to assess the information that had been provided.[143]

140 Witness statement of Kevin Lennon, MPS010520001, 04 September 1987.
141 Witness statement of Kevin Lennon, MPS010528001, 15 September 1987.
142 Report of DCS Alan Wheeler, MPS022887001, p2, 02 August 1988.
143 Report of DCS Alan Wheeler, MPS022887001, p2, 02 August 1988.

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113. The allegations made by Kevin Lennon were specific and indicated police involvement in the murder. This was a logical and proper point from which to start the Hampshire/Police Complaints Authority Investigation.

114. DCS Alan Wheeler sought information from the Inland Revenue in relation to the tax fraud for which Kevin Lennon was later convicted (See Chapter 1, Morgan One Investigation).[144,145,146] On 04 August 1988, a report was received containing the bare facts of the case and giving some detail of the Inland Revenue's dealings with the Morgan One Investigation. This report stated that Kevin Lennon's girlfriend had stood surety for him when he was granted bail and reported speculation that Jonathan Rees had provided some of the money paid to the Court to guarantee the bail.[147]

115. DCS Alan Wheeler sought details of Kevin Lennon's visitors and correspondence while he was on remand in Wormwood Scrubs Prison in connection with the tax-related fraud for which he was later convicted.[148] On 11 August 1988, a report was submitted listing his visitors, who included his girlfriend. Furthermore, the response to DCS Wheeler's request for information identified that Kevin Lennon's girlfriend did not appear to have been interviewed at any stage and that she may have had useful information. However, '*no further action*' was directed on this matter by DCI Paul Blaker, on 11 October 1988. No reason was stated.[149,150]

116. An interview could have been sought to corroborate the allegations that Jonathan Rees had asked Kevin Lennon to find someone to kill Daniel Morgan, and the other conversations which Kevin Lennon claimed to have had with Jonathan Rees. It is not clear why the elementary task of interviewing Kevin Lennon's girlfriend was not authorised. This was a missed opportunity to gain evidence from a potentially important witness. DCI Blaker should have followed this line of enquiry.

117. The circumstances surrounding the way in which Kevin Lennon's evidence was originally provided were examined by the Hampshire/Police Complaints Authority Investigation. DCI Paul Blaker listened to the tape-recordings of the conversation between Kevin Lennon and former DCI Laurence Bucknole, and obtained the tape-recordings of the conversations between Kevin Lennon and Jonathan Rees. He also interviewed former DCI Bucknole. Nothing of significance was discovered from any of these actions.[151,152,153,154,155]

144 Message from DCS Wheeler regarding Inland Revenue, MPS030681001, 01 August 1988.
145 Report of DCS Alan Wheeler, MPS020462001 p1, 02 August 1988.
146 Report of DI Rex Carpenter, MPS022459001, 04 August 1988.
147 Report of DI Rex Carpenter, MPS022459001, 04 August 1988.
148 Action A21, MPS031053001, 04 August 1988.
149 Action A21, '*Obtain details of LENNON's visitors / correspondence whilst he was on remand at HMP Wormwood Scrubs'*, MPS031053001, 04 August 1988.
150 Report of a Prison Liaison Officer, Hampshire Constabulary, MPS022286001, 11 August 1988.
151 Action A23, '*Obtain copy of tape of conversation between Laurence BUCKNOLE and Kevin LENNON*, MPS031060001, 10 August 1988.
152 Report of DCI Paul Blaker, MPS022323001, 22 September 1988.
153 Action A24, *'Obt copy tape of conversation – LENNON & REES'* MPS031062001, 10 August 1988.
154 Action A40, *'Int Laurence BUCKNOLE re his knowledge of LENNON,* MPS031089001, 25 August 1988.
155 Report of DCI Paul Blaker, MPS023016001, 25 August 1988.

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118. On 01 September 1988, DCS Alan Wheeler and DCI Paul Blaker again met Kevin Lennon, who was reported to be '*less confident and less prepared*' than on their previous visit. DCS Wheeler's report indicates that the two detectives openly expressed to him their doubt that he was telling the truth. They asked him to tell them anything which would '*verify, confirm or substantiate what was in his statements*'.[156]

119. Kevin Lennon prevaricated at first, but then said that he would tell them something that he had not told anyone else. He stated that, when Jonathan Rees asked him to find someone to murder Daniel Morgan, he had contacted an unnamed known criminal, who had recently been acquitted of importing 40kg of cannabis into the country. The two men had discussed a price of between £5,000 and £7,000 and approached a third man, whose identity Kevin Lennon claimed not to know, but whose first name he thought was '*John*'. He told Jonathan Rees about this, and a meeting was arranged at a public house during which Jonathan Rees was supposed to pay '*John*' and the other man £3,000 in advance, but Jonathan Rees failed to keep the appointment. Kevin Lennon said that when he challenged Jonathan Rees about his non-attendance at the meeting, he allegedly told him that he had already made alternative arrangements with police officers at Catford Police Station, specifically with DS Sidney Fillery.[157]

120. DCS Alan Wheeler asked Kevin Lennon why he had not informed D/Supt Douglas Campbell of all this. Kevin Lennon said he thought that he had given sufficient information for Jonathan Rees to be arrested. DCS Wheeler pressed him for the identity of the man he claimed to have approached initially. Kevin Lennon provided some more background information about the man, but did not disclose his name, and said that he no longer had the man's telephone number, as his telephone and address book had been stolen in a burglary.[158]

121. Questioned further, Kevin Lennon said that it had not actually been his plan to carry out the murder. The intention was to take the money from Jonathan Rees, since he was unlikely to make a complaint of theft to the police. DCS Alan Wheeler wrote in his report:

> *'Detective Chief Inspector Blaker and I are both of the opinion that the credibility of Lennon is deminishing* [sic]. *The way in which he recounted this latest story of hatching a plot with Man No. 1 and John* [sic] *does not come across with much degree of truthfulness.'*[159]

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156 Report of DCS Alan Wheeler, MPS022884001, p 1, 01 September 1988.
157 Report of DCS Alan Wheeler, MPS022884001, p2, 01 September 1988.
158 Report of DCS Alan Wheeler, MPS022884001, p4, 01 September 1988.
159 Report of DCS Alan Wheeler, MPS022884001, p4, 01 September 1988.

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122. It is understandable that DCS Alan Wheeler was somewhat sceptical about what Kevin Lennon had to say and about his motives for saying it since, having provided information to the Morgan One Investigation about Jonathan Rees, the sentence he received on conviction for fraud, of 18 months' imprisonment suspended for two years, was significantly less than would have otherwise been imposed. This could have been regarded as a powerful incentive for him to have told the police what he thought they wanted to hear and to have embellished his account to make it even more appealing.

However, Kevin Lennon's evidence was not initially volunteered to the police but was obtained, lawfully and properly, through a secretly tape-recorded conversation which he had with former DCI Laurence Bucknole (see paragraph 109). He could, in many ways, be described as a reluctant witness and this was a significant aspect of his evidence and added to his credibility.

123. Five investigative actions were suggested by the statement reader in relation to the information available from and in relation to Kevin Lennon, including a suggestion that his girlfriend should be interviewed. DCI Paul Blaker declined to do this on 10 October 1988. No reasons for this decision were stated.[160]

124. On 06 September 1988, Metropolitan Police intelligence officers were asked to identify the man recently acquitted of drug trafficking, based on the information provided by Kevin Lennon. A report of 16 September 1988 listed four possible persons, together with their addresses, telephone numbers where known, and brief summaries of their criminal histories. Records were created for all four men on the Hampshire/Police Complaints Authority Investigation's HOLMES database. No further investigation of this matter was carried out and it is not clear that they were eliminated from the enquiry.[161,162] No attempt was made to identify the man called '*John'*, although the Panel accepts that the information given about him was much vaguer.[163]

125. On 28 September 1988, an action was raised to establish whether the burglary, in which Kevin Lennon claimed his telephone and address book had been stolen, had been reported to the police.[164] However, this matter was not in fact investigated. It was recorded that the action was referred (i.e. held in abeyance) on 11 October 1988 and that DCS Alan Wheeler subsequently directed '*no further action*' on 03 October 1989, with no reason being given for the decisions either to refer the action or to carry it out.[165]

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160 Report of a Detective Constable, MPS022976001, p3, 10 October 1988.
161 Action A63, *'DS MOSLEY to research to ID male with precons for GBH'*, MPS031128001, 06 September 1988.
162 Report of DS John Mosley, MPS023215001, 16 September 1988.
163 The statement reader, DS David Kilbride, marked up DCS Wheeler's report for an Action to be raised to, *'Identify 3rd man Christian name of John.'* DCI Blaker endorsed the report, *'LENNON to be further interviewed by DCI BLAKER to obtain identity or further details'*, but this was not done, MPS022884001, p2 and p7, 28 September 1988.
164 Action A182, *'Identify whether LENNON reported a burglary* / robbery', MPS031459001, 28 September 1988.
165 Action A182, *'Identify whether LENNON reported a burglary / robbery'*, MPS031459001, 28 September 1988.

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126. No explanation has been found for the failure to check the crime register of the local police station to see whether the burglary described by Kevin Lennon had been reported to police and what had been recorded as stolen. A simple action such as this would have been useful, helping either to support Kevin Lennon's account or to cast doubt on it.

127. On 11 October 1988, an action was raised to interview a known criminal who knew Kevin Lennon. This was not done until May 1989 when a brief report was submitted to the effect that, although the man did not know either Daniel Morgan or Jonathan Rees, he thought that Kevin Lennon had been telling the truth. This added little of value to the investigation and nothing further was done about the matter.[166,167]

128. Although former DS Sidney Fillery had not yet formally replaced Daniel Morgan as Jonathan Rees's partner at Southern Investigations, he had received a medical discharge from the Metropolitan Police and had worked in Southern Investigations in some capacity after the arrest of Jonathan Rees in January 1989, possibly on a temporary basis. DCS Alan Wheeler stated in his report to the Police Complaints Authority:

> *'It has not been possible to establish whether Detective Sergeant FILLERY did gain employment with Southern Investigations following his discharge from the Police Service. From the time this enquiry commenced he has been a frequent visitor to the offices but at irregular times and whether or not it could be concluded that he was in employment is a matter of speculation*[...]. *He has during 1989 been employed in the company but this was as a direct result of this investigation's arrest of REES*[...]. *This was not the case when we interviewed Detective Sergeant FILLERY, when he categorically stated that he was not and did not intend working for REES.'*[168]

129. DS Sidney Fillery retired from the police on medical grounds on 20 March 1988, and later became Jonathan Rees's business partner, as Kevin Lennon had said would happen.[169]

130. Kevin Lennon had also alleged that Jonathan Rees had made attempts to have Daniel Morgan breathalysed.[170] This allegation was later supported by Person M12 interviewed by the Panel, who had been a friend of Daniel Morgan's and used to work for him, part-time, as a process server. He told the Panel that Daniel Morgan did drink and drive and was stopped on a number of occasions by the police. Person M12 said that:

> '[I]*t got to the stage that Danny thought that someone was trying to fit him up for drink-driving, so there would be times when* [he] *would ring [me] late at night to ask* [me] *to come to the pub to drive him home.* [... I] *distinctly remember Danny telling* [me] *before his murder that he was worried about being fitted up for drink-driving.'*[171]

166 Action A249, *'Int DYSON (not on lists) N1133 re him telling DC* [sic] *HASLAM about murder,'* MPS031703001, 11 October 1988.
167 Report of DS Dennis Stephens, MPS022332001, 12 May 1989.
168 Final report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, pp28-29, paras 110 – 112, 04 September 1989.
169 Report by D/Supt Alec Button, MPS015801001, p4, 07 October 1988.
170 Witness statement of Kevin Lennon, MPS010528001, p10, 15 September 1987.
171 Panel interview of Person M12, 11 August 2016.

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131. Person M12 had provided a statement to the Morgan One Investigation in August 1987, which made no mention of the drink-drive allegation, although it is not clear whether more comprehensive information had been given orally, but not recorded in writing by the officer taking the statement.[172] Person M12 was also seen by the Hampshire/Police Complaints Authority Investigation in October 1988, when it was reported that he was '*unable to contribute anything further to the enquiry*'.[173]

132. Daniel Morgan had never been convicted of driving with excess alcohol, and it is not known whether he was ever breathalysed. However, DCS Alan Wheeler could have searched the Police National Computer to see whether a vehicle and person check had been conducted on him. This would have revealed the identity of any police officer who had made such a check. In addition to this, a search could have been made for a report on the administration of a breath test, even a negative one. A negative result to such enquiries would not have been conclusive, but a positive result could have lent support to what Kevin Lennon had claimed. There is no record of such apparently simple steps having been taken.

133. However, in his report to the Police Complaints Authority, DCS Alan Wheeler said:

> *'Alleged attempts to have MORGAN breathalysed have received my Investigation Squad's attention but it has failed to produce any grain of truth. Once again* [,] *I am left with LENNON's own testimony."*[174]

134. Despite DCS Alan Wheeler's claim that the allegation that Jonathan Rees sought to have Daniel Morgan arrested for drink-driving had been investigated, there is no evidence that this matter was ever pursued: no actions were raised in relation to it and the assertion in DCS Wheeler's report is the only mention of it in the Hampshire/Police Complaints Authority case papers. However, the Panel was itself able to obtain relevant corroborative information, simply by interviewing Person M12.

135. On 11 January 1989, DCS Wheeler compiled a report prior to a meeting with AC John Smith entitled '*John* [sic] *Rees – Salient Points.*' It comprised five typewritten pages and listed 19 key elements of the case against Jonathan Rees. There was no reference in this report to Kevin Lennon or his allegations.[175]

172 Witness statement of Person M12, MPS015635001, 25 August 1987.
173 Action A174, MPS031443001, 27 September 1988.
174 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p28, para 108, 04 September 1989.
175 Report of DCS Alan Wheeler, MPS022842001, 11 January 1989.

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136. DCS Wheeler subsequently set out his conclusions concerning Kevin Lennon's allegations in his final report to the Police Complaints Authority. He said:

> *'The allegation that REES was saying that he wanted MORGAN murdered and that Police would be involved is totally dependent upon LENNON and I have been unable to gain a shred of evidence or intelligence that corroborates his statement.'*[176]
>
> *'The allegation of Police involvement as introduced by Kevin Anthony LENNON is incapable of being corroborated.'*[177]
>
> *'It was timely when LENNON approached the murder squad and provided information hitherto unknown and thus added to the credibility of the arrest of the Police Officers. LENNON has benefitted from his information in that he received a minimal sentence for what was a serious crime.'*[178]
>
> *'Whilst I consider LENNON has discredited his own testimony, his evidence cannot be ignored but my investigation has failed to corroborate his account of "Police involvement in the murder of Daniel MORGAN".'*[179]

137. In 1996, however, DCS Alan Wheeler made a statement in connection with the civil action taken against Hampshire Constabulary by Jonathan Rees and others. Dealing with Kevin Lennon's evidence, he said:

> *'LENNON gave evidence at the Coroner's Court and was cross examined on the issues raised in his statements. He remained firm about the allegations. I was impressed by LENNON's evidence. He had given it under oath and had stood up to cross examination. My enquiries had found nothing to show LENNON was not telling the truth. LENNON's evidence indicated REES to be responsible for the murder of MORGAN.*
>
> *'I knew that LENNON had been convicted of serious fraud offences and these offences, were hanging over him at the time he was making his statements to the Metropolitan Police regarding the MORGAN murder. We felt that everything LENNON said should be tested. We found nothing that LENNON told the Metropolitan Police to be other than truthful. We considered him to be a very important witness in the case against REES. Because he had these charges against him and had a vested interest in helping the Police, what he had earlier said to the Metropolitan Police and what he had said to us, we treated with reservation and examined thoroughly. We found nothing to disprove in what he had told us.*
>
> *'I examined at length the evidence LENNON gave on oath at the inquest into MORGAN's death. I bore in mind that he had serious criminal charges pending against him and would welcome favourable comments from the Metropolitan Police to lessen his sentence. Having considered all this, I could not find anything wrong with LENNON's evidence. It stood up as the truth.'*[180]

176 Final Report of DCS Alan wheeler to the Police Complaints Authority, MPS060685001, p28, para 107, 04 September 1989.
177 Final Report of DCS Alan wheeler to the Police Complaints Authority, MPS060685001, pp79-80, para 344 (d), 04 September 1989.
178 Final Report of DCS Alan wheeler to the Police Complaints Authority, MPS060685001, p80, para 344 (e), 04 September 1989.
179 Final Report of DCS Alan wheeler to the Police Complaints Authority, MPS060685001, p82, para 344 (p), 04 September 1989.
180 Witness statement of former DCS Alan Wheeler, HAM000315001, pp6-7, paras 16-18, 24 July 1996.

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138. While some difficulties with Kevin Lennon's evidence are acknowledged, given the inevitable doubts about his motives for giving it, it was not '*examined thoroughly*' as DCS Alan Wheeler asserted in 1996, as the Hampshire/Police Complaints Authority Investigation did not investigate simple lines of enquiry, such as the alleged burglary of Kevin Lennon's home in which his telephone and address book were stolen.

139. In February 2010, officers from a later investigation, Abelard Two (see Chapter 8, The Abelard Two Investigation) met former DCS Alan Wheeler and former DCI Paul Blaker to discuss Kevin Lennon's evidence. Former DCS Wheeler again said in respect of his investigation that '*in their view Kevin LENNON was telling the truth about REES and REES' requests to find someone to murder MORGAN*[...]. *They said that their concerns for his credibility centred around the fact that he was charged with Fraud.*'[181]

140. It is unclear why DCS Alan Wheeler was not more positive about Kevin Lennon's evidence at the time that he was carrying out his investigation and reporting to the Crown Prosecution Service and Police Complaints Authority. His views at this time contrast with the far more positive remarks expressed later, in 1996, in connection with the civil action taken against Hampshire Constabulary and in his 2010 account given during the Abelard Two Investigation. This was not the only issue on which he presented one point of view at the time, only to apparently revise his thinking and to adopt a different tone subsequently.

141. Kevin Lennon's credibility is enhanced by his having provided some accurate, corroborated information, including his assertion that DS Sidney Fillery would replace Daniel Morgan as Jonathan Rees's partner at Southern Investigations after retiring on medical grounds from the police. Furthermore, his assertion that Jonathan Rees had made attempts to have Daniel Morgan breathalysed was later supported by another witness (Person M12, see paragraph 130-131 above), who was available to the Hampshire/Police Complaints Authority team and may have provided the evidence had he been questioned thoroughly. Other lines of enquiry were not completed. Given the importance of Kevin Lennon's testimony, more systematic and sustained efforts should have been made to test the reliability of his account. Elements of it were capable of being corroborated or dismissed, had elementary steps such as those discussed in the preceding paragraphs been taken. It was a failure of the Hampshire/Police Complaints Authority Investigation that those steps were not taken.

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181 Abelard Two message M1661, MPS001498001, 04 February 2010.

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3.6 Enquiries related to the possible involvement of former DS Sidney Fillery in the murder of Daniel Morgan

142. A key element of the Hampshire/Police Complaints Authority Investigation was the possible involvement of newly 'former' DS Sidney Fillery, and other officers, in the murder of Daniel Morgan.

143. Former DS Sidney Fillery was categorised as a suspect on 25 July 1988.[182] In an early investigative action raised in the investigation, it was decided to '[e]*xamine documentation relating to Fillery* […]. *Submit assessment together with proposals for further enquiry*.'[183] On 10 April 1989 it was endorsed, '*Above action covered during course of Operation Drake*' and marked as '*NFA*' (No Further Action) on the directions of DCI Paul Blaker. No account or summary of the information supposedly collected, nor of any proposed action, was given.[184]

144. There is no evidence that documentation relating to former DS Sidney Fillery was examined, and neither an assessment nor any proposal for further enquiry has been identified.

145. Six other early investigative actions were designed to gather background information on former DS Sidney Fillery, through records such as his personal file, duty diary and telephone bills, and through interviewing a senior officer who had previously been his line manager.[185] These actions were completed satisfactorily.

146. The investigation into former DS Fillery concentrated initially on two incidents which occurred on 09 March 1987: the encounter on Sydenham Road in the afternoon, when he claimed to have met Jonathan Rees while he was dealing with a man thought to be in possession of a stolen television set, and the meeting later in the evening when he and other officers met Jonathan Rees and Daniel Morgan in the Golden Lion public house (see Chapter 1, The Morgan One Investigation). Between 09 August 1988 and 28 November 1988, the Hampshire/Police Complaints Authority Investigation team interviewed seven[186]

182 Action A4, *'Raise a suspect file on FILLERY N4'*, MPS031036001, 25 July 1988.
183 Action A6, *'Examine documentation relating to FILLERY N4'*, MPS031038001, 25 July 1988.
184 Action A6, MPS031038001, 25 July 1988.
185 Action A112, *'Obtain and examine personal file of ex DS FILLERY'*, MPS031292001, 16 September 1988.
A157, *'Obtain N4 DS FILLERY's desk diary'*, MPS031383001, 27 September 1988.
A158, *'Obtain duty sheets for Catford Crime Squad'*, MPS031385001, 27 September 1988.
A197, MPS031502001, 03 October 1988.
A209, *'Ascertain what duty functions FILLERY performed 140387'*, MPS031819001, 07 October 1988.
A223, *'Make enquiries with B Tel – ascertain if FILLERY's telephone was in use 100387'*, MPS031797001, 07 October 1988.
186 Witness statement of Stephen Thorogood, MPS018589001, 09 August 1988.
Witness statement of Peter Newby, MPS010347001, 10 October 1988.
Witness statement, MPS010965001, 27, October 1988.
Witness statement of a Police Sergeant MPS010618001, 31 October 1988.
Witness statement MPS010970001, 01 November 1988.
Action A279, *'Int a Police Constable re meet of FILLERY / REES / MORGAN 090387'*, MPS031589001, 15 November 1988.
Action A278,*'Int […] re meet of FILLERY / REES / MORGAN 090387'*, MPS031593001, 28 November 1988.

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individuals in relation to the incident on Sydenham Road, and six[187] individuals in relation to what happened in the Golden Lion public house. Both these lines of enquiry were dealt with in a satisfactory manner.

147. On 07 October 1988, a decision was made to search the Morgan One Investigation database for tasks that had been allocated to DS Sidney Fillery which related to public houses. Enquiries were undertaken, and it was later reported that '*it would appear only 2 were issued to Fillery, neither connected with public houses*'.[188,189]

148. This report was incorrect, as seven actions had been allocated to DS Sidney Fillery during his time working on the Morgan One Investigation and one of them was for him to take statements from the licensee and staff of the Golden Lion public house. This failure to identify all the relevant actions suggests a lack of thoroughness on the part of the officer to whom the task was allocated.

In light of the suspicions about DS Sidney Fillery arising within days of the murder of Daniel Morgan, it is concerning that at the outset the search was restricted only to allocated tasks which related to public houses and not widened to all actions that had been allocated to him. This was in fact done subsequently but not until April 1989 (see paragraph 160 below).

149. The allegation that DS Sidney Fillery had removed the Belmont Car Auctions file from the offices of Southern Investigations on 11 March 1987 (see paragraph 14 above) was central to the suspicion that he had behaved corruptly during the initial stages of the Morgan One Investigation.

150. On 09 August 1988, a statement was taken from PC Stephen Thorogood, who had accompanied DS Fillery when he went to Southern Investigations' offices on 11 March 1987. PC Thorogood said: '*In relation to the statement I made about go* [sic] *to the offices of Southern Investigations at no time did I see or hear anything about Belmont Auctions*.'[190]

151. On 20 August 1988, officers from the Lamper Investigation took a statement from Peter Newby, the Office Manager at Southern Investigations, about the missing Belmont Car Auctions file and other issues.[191,192] He said that on 11 March 1987, DS Sidney Fillery and other officers attended Southern Investigations. Peter Newby stated, '*John REES then went to the filing*

187 Witness statement, MPS018591001, 09 August 1988.
Witness statement of PC Stephen Thorogood, MPS018589001, 09, August 1988.
Witness statement of a Police Constable MPS018588001, 09 August 1988.
Witness statement of PS Philip Barrett, MPS018585001, 10 August 1988.
Witness statement, MPS038605001, 26 September 1988.
Witness statement, MPS010268001, 02 November 1988.
188 It is not clear when, as the endorsement is undated.
189 Action A212, *'Research Met database for actions allocated to FILLERY relative to public houses'*, MPS031813001, 07 October 1988.
190 Witness statement of PC Stephen Thorogood, MPS018589001, p4, 09 August 1988.
191 The Lamper Investigation emanated from a complaint about alleged police action, or inaction, during the investigation into the murder of Daniel Morgan.
192 Witness statement of Peter Newby, MPS015790001, p2, 20 August 1988.

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cabinets which contained a number of files which although in the main were complete were too recent to be considered "dead." He showed me a file, said something about Belmont Car Auctions and gave it to DS FILLERY.'[193]

152. DCS Alan Wheeler interviewed former DS Sidney Fillery about the missing file on 23 March 1989. The allegation that he had taken it was vehemently denied. DCS Wheeler obtained a witness statement from him, which dealt with aspects of his movements and contacts between 09 March 1987 and 14 March 1987 and in particular with the Belmont Car Auctions file issue.[194] Former DS Fillery denied taking any files from Southern Investigations and said that Jonathan Rees had since told him that there was no Belmont Car Auctions file.

153. The allegation that DS Sidney Fillery had removed a missing file warranted significant attention from DCS Alan Wheeler, especially given the Terms of Reference for the Hampshire/Police Complaints Authority Investigation and that the Belmont Car Auctions matter was interpreted as a possible motive during the Morgan One Investigation. The Belmont Car Auctions file may have contained additional information, such as details of possible payments to police officers had they been made.

154. On 15 February 1989, the Hampshire/Police Complaints Authority Investigation took a statement from DC Michael Crofts, a member of the Morgan One Investigation, who said that he had been accompanied by DS Sidney Fillery when he went to Southern Investigations on Friday 13 March 1987, at about 10.30 am, where they '*took possession*' of a number of documents from Daniel Morgan's desk, which were handed to DC Clive Blake, the Exhibits Officer.[195]

155. On 08 June 1989, a further written statement was obtained from DC Michael Crofts, who said that he had also been accompanied by DS Sidney Fillery when he went to the offices of Southern Investigations on 12 March 1987 at about 11.00 am.[196] (This is distinct from when DC Crofts visited Southern Investigations also with DS Sidney Fillery on 13 March 1987 at about 10.30 am.) It is not clear whether there were in fact two visits on consecutive days or whether DC Crofts was confused about the date and there had in fact been only one visit. In this later statement, DC Crofts said that he and DS Fillery had, on that occasion, removed a number of files having searched Daniel Morgan's desk.[197] Significantly, DC Crofts went on to say, '[t]*he files were placed into a bag and then he took them away in his own private vehicle*'.[198] Later in the statement he said, '*I believe I personally gave these to Det. Con. BLAKE, the Exhibits Officer*'.[199]

156. No explanation was given as to how or when DS Sidney Fillery transferred the files back into DC Michael Crofts' possession prior to them allegedly being handed to the Exhibits Officer. It should be stated at this point that in a written submission to the Panel in September 2017, former DS Fillery asserted that if he had wanted to remove documents, a simple telephone call from him to Jonathan Rees would have achieved the objective.[200]

193 Witness statement of Peter Newby, MPS015790001, p2, 20 August 1988.
194 Witness statement of former DS Sidney Fillery, MPS010359001, p7, 23 March 1989.
195 Witness statement of DC Michael Crofts, MPS039096001, p2, 15 February 1989.
196 Witness statement of DC Michael Crofts, MPS039097001, p1, 08 June 1989.
197 Witness statement of DC Michael Crofts, MPS039097001, p1, 08 June 1989.
198 Former DS Sidney Fillery used his own personal vehicle on enquiries while he was engaged on the Daniel Morgan murder investigation, see MPS015408001, pp2-5 (indicating he was claiming for mileage he incurred).
199 Witness statement of DC Michael Crofts, MPS039097001, p2, 08 June 1989.
200 Written submission of former DS Sidney Fillery to the Panel, 13 September 2017.

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157. There is no record of any exhibits – files or otherwise – recovered from the offices of Southern Investigations on either 12 or 13 March 1987 being entered into the Exhibits Book (see Chapter 1, The Morgan One Investigation).

158. DC Michael Crofts' statement of 08 June 1989 referred to the removal of '*a number of files*'.[201] It is not now possible to establish what material was taken on this occasion, or what its potential value might have been to the investigation of Daniel Morgan's murder. DC Crofts' statement was registered and a summary of it was put onto the HOLMES database, but no actions were raised.

159. Having learned that DS Sidney Fillery had apparently taken files recovered from Daniel Morgan's desk away in his private vehicle, the Hampshire/Police Complaints Authority Investigation should have pursued the matter vigorously. However, former DS Fillery was not questioned on this. The matter was not mentioned in DCS Alan Wheeler's report to the Police Complaints Authority. This was a significant failing, particularly given the Terms of Reference of the Hampshire/Police Complaints Authority Investigation.

160. On 27 April 1989, some ten months after the appointment of DCS Alan Wheeler and a month after former DS Sidney Fillery had been interviewed, it was finally decided that all actions allocated to DS Fillery should be examined to determine whether they had been completed satisfactorily.[202] A Detective Sergeant submitted a five-page report the following day, stating that, while most of the actions had been completed properly, DS Fillery had in fact delegated them to junior officers and appeared '*to have contributed little to the investigation*'. He concluded that there was no evidence to suggest that DS Fillery had hindered the investigation '*apart from the very poor statement which he took from REES and which contained what he knew to be a falsehood regarding MORGAN and REES being in the Golden Lion all evening on 090387*'.[203]

161. The involvement of DS Sidney Fillery in the Morgan One Investigation should have been examined much earlier, so that DCS Alan Wheeler would have been in possession of all the facts and thus better able to deal with all the issues relating to former DS Fillery.

162. The Hampshire/Police Complaints Authority Investigation attempted to verify DS Sidney Fillery's alibi for the night of 10 March 1987. In February 1989, almost two years after the murder of Daniel Morgan, DCI Paul Blaker obtained a statement from former DS Fillery's wife confirming her husband's alibi.[204] On 26 April 1989, a statement was taken from former DS Fillery's then

201 Witness statement of DC Michael Crofts, MPS039097001, p1, 08 June 1989.
202 Action A776, *'Examine all actions allocated to ex DS FILLERY'*, MPS032694001, 27 April 1989.
203 Report of a Detective Sergeant, MPS022603001, pp4-5, 27 April 1989.
204 Witness statement, MPS011013001, 09 February 1989.

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foster son, and his son's friend was also interviewed. His wife had indicated that the two boys would be able to support her assertion that her husband had been at home all that evening, although in the event they were not able to do so definitively.[205]

163. DCS Alan Wheeler later criticised D/Supt Douglas Campbell for not having pursued this alibi issue during his investigation, saying:

> '[Former DS Fillery's] *alibi appears not* [to] *have been examined by the Metropolitan Investigation and has thus been somewhat difficult to satisfactorily complete due to the passage of time* […]. *Had this particular matter been pursued it would have benefited both the enquiry and the officer suspected of involvement in MORGAN's murder. If he was not available to commit the murder, then this should have been established.*'[206]

164. The Hampshire/Police Complaints Authority Investigation should not have waited eight months to attempt to verify former DS Sidney Fillery's alibi. The investigation of the alibis of officers who were suspected of involvement in the murder of Daniel Morgan, particularly former DS Sidney Fillery, should have been a priority.

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205 Witness statement, MPS002787001, 26 April 1989
Witness statement, MPS011013001, 09 February 1989.
Witness statement, MPS011057001, 26 April 1989.
Action A720, MPS032800001, 12 April 1989.
206 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, pp53-54, paras 221-225, 04 September 1989.

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165. In all, the Hampshire/Police Complaints Authority Investigation raised 34 investigative actions that related directly to former DS Sidney Fillery.[207] The Investigation also received information from various sources about him, including important information received on 07 September 1988 from a former acquaintance and business associate of Daniel Morgan and Jonathan Rees. Some of this information had previously been provided to the Morgan One Investigation.

166. The sequence of events was as follows:

i. A client of Southern Investigations had known Daniel Morgan since about 1982 and had engaged him as an enquiry agent on a number of occasions. He regarded him as '*an excellent enquiry agent* [...] *totally honest*'.[208] For about two years, Daniel Morgan rented office space from the client, who also got to know Jonathan Rees after Jonathan Rees and Daniel Morgan went into partnership together.[209] In September 1984, Southern Investigations moved out of the client's premises into new offices in Thornton Heath.[210]

207 Action A6, *'Examine documentation relating to FILLERY N4'*, MPS031038001, 25 July 1988.
Action A52, *'Int client of Southern Investigations re enq. conducted by FILLERY'*, MPS031104001, 31 August 1988.
Action A112, *'Obtain & examine personal file of ex DS FILLERY'*, MPS031292001, 16 September 1988.
Action A138, *'Enquiry – car telephone – N4 Sidney FILLERY'*, MPS031344001, 23 September 1988.
Action A157, *'Obtain N4 DS FILLERY's desk diary'*, MPS031383001, 27 September 1988.
Action A191, *'Establish significance of paper: N4 FILLERY'*, MPS031461001, 30 September 1988.
Action A197, *'Int to be anonymised N1079 – was DCI at Catford with FILLERY'*, MPS031502001, 03 October 1988.
Action A209, *'Ascertain what duty functions FILLERY performed 140387'*, MPS031819001, 07 October 1988.
Action A212, *'Research Met database for actions allocated to FILLERY relative to public houses'*, MPS031813001, 07 October 1988.
Action A223, *'Make enquiries with B Tel – ascertain if FILLERY's telephone was in use 100387'*, MPS031797001, 07 October 1988.
Action A251, MPS031698001, 11 October 1988.
Action A253, *'Int MAGUIRE re meet of FILLERY / REES / MORGAN 090387'*, MPS031689001, 12 October 1988.
Action A254, *'Int a Women Police Constable re meet of FILLERY / REES / MORGAN 090387'*, MPS031685001, 12 October 1988.
Action A278, *'Int WPC* [....]*re meet of FILLERY / REES / MORGAN 090387'*, MPS031593001, 27 October 1988.
Action A279, *'Int a Police Constable re meet of FILLERY / REES / MORGAN 090387'*, MPS031589001, 27 October 1988.
Action A282, *'Est. from Belmont Car Auct. FILLERY / PURVIS & FOLEY role'*, MPS031585001, 27 October 1988.
Action A346, *'Identify & int "man with tv" in Sydenham Rd 090387'*, MPS032125001, 16 November 1988.
Action A362, *'Interview DC FOLEY re meeting 140387 Crown PH'*, MPS032086001, 16 November 1988.
Action A363, *'Interview ex DS FILLERY re meeting 140387 Crown PH'*, MPS032083001, 16 November 1988.
Action A364, *'Interview J REES re meeting 140387 Crown PH'*, MPS032081001, 16 November 1988.
Action A426, *'Interview ex DS FILLERY'*, MPS031992001, 17 November 1988.
Action A441, *'Int DS FILLERY re meet Golden Lion PH 090387'*, MPS031974001, 17 November 1988.
Action A473, *'Int FILLERY ascertain reason for tele. calls from REES'*, MPS031908001, 07 December 1988.
Action A580, MPS032425001, 01 February 1989.
Action A594, *'Interview and T/ST Sydney* [sic] *FILLERY re REES S6'*, MPS032405001, 08 February 1989.
Action A598, *'Provide a witness to prove the RO* [registered owner] *of UMY435X'*, [a vehicle owned by former DS FILLERY], MPS032400001, 08 February 1989.
Action A621, *'T/ST from Mrs FILLERY re husbands movements 100387'*, MPS032371001, 12 February 1989.
Action A635, *'Interview & T/ST ex DS FILLERY'*, MPS032351001, 27 February 1989.
Action A719, MPS032802001, 12 April 1989.
Action A720, MPS032800001, 12 April 1989.
Action A732, *'I/D entry 150186 REES personal diary re FILLERY'*, MPS032780001, 14 April 1989.
Action A733, *'Est connection bet. S. Inv, FILLERY &* [...], MPS032779001, 14 April 1989.
Action A776, *'Examine all actions allocated to ex DS FILLERY'*, MPS032694001, 27 April 1989.
Action A795, MPS032655001, 27 April 1989.
208 Witness statement of client of Southern Investigations, MPS010649001, pp4-5, 01 May 1987.
209 Witness statement of the client of Southern Investigations MPS010649001, pp2-3, 01 May 1987.
210 Witness statement of the client of Southern Investigations, MPS010649001, p4, 01 May 1987.

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ii. On 11 March 1987, the client, unaware of the previous night's events, telephoned Southern Investigations to speak to Jonathan Rees about a business matter. Initially he spoke with an employee and was informed of the murder.[211,212] The client was aware that Daniel Morgan had been having an affair with a married woman, who he believed lived in Sydenham in the vicinity of the Golden Lion public house.[213] The client said that Daniel Morgan had previously been employed to regain custody of the woman's children from her estranged husband, and the client speculated to Jonathan Rees that this affair might have provided a motive for the murder. The woman was understood to be named '*Margaret*', although it is far from clear whether this was known to the client, nor whether the information about how Daniel Morgan had come into contact with her was passed on to Jonathan Rees by the client at this time. In this witness statement the client said that the woman concerned lived in the Penge area.[214]

iii. Jonathan Rees said that he was assisting the police in the investigation, and that they would probably want to interview the client. The client's diary for the following day, 12 March 1987, was later found by the Hampshire/Police Complaints Authority Investigation to contain the entry *'Rees 1030am'*.[215,216]

iv. According to the client's statement of 07 September 1988, Jonathan Rees did not arrive at 10.30 am on 12 March but came at about 3.30 pm, accompanied by DS Sidney Fillery.[217] The client declined to include in his statement information which he provided that both men had been '*much the worse the wear for drink*' and that the stench of stale alcohol was so strong that he opened all his office windows in order to provide some ventilation.[218] There is no record of this in his earlier statement made in May 1987.[219] It is not known whether he mentioned the condition of the men to the Morgan One Investigation when he first made a statement in May 1987.

v. The client stated that DS Sidney Fillery showed some interest when he told him about Daniel Morgan's affair with the married woman, which he wished to draw to the attention of the murder investigation, but that Jonathan Rees appeared to dismiss it and said, '*Oh no, he's thinking of Maggie*.'[220] The two men spent no more than ten minutes with him and then left.[221]

vi. At 7.00 pm that day, DS Sidney Fillery visited the Morgan One Investigation from the offices of Southern Investigations and passed on some information concerning '*Margaret*' and her family, although he did not mention the fact that he had received the information from the client of Southern Investigations.[222]

vii. On 01 May 1987, the Morgan One Investigation obtained a statement from the client. It is noteworthy that they were directed to him not by DS Sidney Fillery but as a result of a statement obtained from a family friend of Daniel and Iris Morgan.

211 Witness statement of the client of Southern Investigations, MPS010649001, p6, 01 May 1987.
212 Witness statement of the client of Southern Investigations, MPS034541001, p1, 07 September 1988.
213 Witness statement of the client of Southern Investigations, MPS010649001, pp5-6, 01 May 1987.
214 Witness statement of the client of Southern Investigations, MPS034541001, 07 September 1988
215 Witness statement of the client of Southern Investigations, MPS034541001, 07 September 1988
216 Report of DI Rex Carpenter, MPS022432001, p1, 12 September 1988.
217 Witness statement of the client of Southern Investigations, MPS034541001, 07 September 1988.
218 Report of DI Rex Carpenter, MPS022432001, p1, 12 September 1988.
219 Report of DI Rex Carpenter, MPS022432001, p1, 12 September 1988.
220 Witness statement of the client of Southern Investigations, MPS034541001, 07 September 1988.
221 Witness statement of the client of Southern Investigations MPS034541001, p2, 07 September 1988.
222 Morgan One message M26 from former DS Sidney Fillery, MPS012085001, 12 March 1987.

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> The friend related in her account that Daniel had shared office space with the client and so an action was raised for a statement to be obtained from him.[223,224] While detailed in respect of events prior to Daniel Morgan's murder, it is very light on detail concerning the contact between the client and Jonathan Rees and DS Fillery on 11 and 12 March 1987, dealing with their visit to his office in only three sentences of a statement that ran to five typed pages.[225]

167. The alleged set of circumstances described above indicates that two days after the murder of Daniel Morgan, DS Sidney Fillery, who was supposed to be working as a member of the investigation team, had spent at least part of the day drinking with Jonathan Rees. From the description given by the client to the Hampshire officers, by about 3.30 pm in the afternoon both men had drunk to excess. DS Fillery, accompanied by Jonathan Rees, a man who, by that time, was a person of interest in the case, went to see a witness, albeit one who had in fact initially approached Jonathan Rees to indicate that he had information that might be of use to the investigation. The witness gave information pertinent to the enquiry. Nevertheless, DS Fillery did not take a statement, as he should have done on receipt of such information; nor did he arrange for one to be taken later by someone who may have been in a more fit state to carry out police duties. Later that same day he passed on some of the information he had been given by the client to the Major Incident Room but omitted then, and afterwards, to disclose the client's name and the fact that he had visited him with Jonathan Rees.

168. All of this was known by the Hampshire/Police Complaints Authority Investigation by mid-September 1988, four and a half months before they arrested Jonathan Rees and six months before they interviewed former DS Sidney Fillery. Most of this information had also been in the possession of the Morgan One Investigation by the beginning of May 1987, a month after the arrests of Jonathan Rees, DS Sidney Fillery and others. Yet neither investigation did anything with the information.

169. Jonathan Rees was interviewed under caution in the presence of his solicitor several times by DCS Alan Wheeler, DCI Paul Blaker and others while in custody at Fareham Police Station on 31 January and on 01 and 02 February 1989, yet he was not questioned about this matter.

170. DCS Alan Wheeler interviewed and took a statement from former DS Sidney Fillery on 23 March 1989 yet did not ask him about the matter.

171. The matter was not mentioned in any report submitted by DCS Alan Wheeler, including his report to the Police Complaints Authority at the end of his investigation, in which he asserted that '[a]*ny failure, no matter how small, which directly or indirectly indicated Police involvement in the murder or any deliberate Police action following the murder to prevent its detection, was examined*'.[226]

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223 Witness statement, MPS010565001, p3, 09 April 1987.
224 Action A651, *'Trace identify and take statement from client of Southern Investigations'*, MPS013714001, 15 April 1987.
225 Witness statement of client of Southern Investigations, MPS016624001, 01 May 1987.
226 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p11, para 44, 04 September 1989.

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172. There were important omissions on the part of both the Hampshire/Police Complaints Authority Investigation and the Morgan One Investigation in relation to the conduct of DS Sidney Fillery as described by this client of Southern Investigations (see Chapter 1, The Morgan One Investigation). The circumstances described by the client amounted to misconduct by DS Fillery and possibly to an attempt to pervert the course of justice. Despite the fact that former DS Fillery was by this time retired on medical grounds, DCS Alan Wheeler should have investigated the matter and should have raised it with him and with Jonathan Rees when he interviewed them, in order to give them the opportunity to respond. He should also have reported on the incident in his final report to the Police Complaints Authority.

The matter reported by the client became important in the Morgan One Investigation because the Morgan One Investigation had been considering whether a possible motive for Daniel Morgan's murder might have been that Daniel Morgan was having an affair with a woman and had been murdered by a jealous husband or partner.

3.7 Information passed by PC Timothy Grattan-Kane

173. Another line of enquiry, concerning alleged corruption by DS Sidney Fillery, not pursued by the Hampshire/Police Complaints Authority Investigation, nor reported to the Metropolitan Police or the Police Complaints Authority, relates to information passed by PC Timothy Grattan-Kane, and recorded on 12 September 1988.[227]

174. PC Timothy Grattan-Kane was a former Hampshire Constabulary police officer who had transferred to the Metropolitan Police. At the time of the Hampshire/Police Complaints Authority Investigation he was stationed at Sydenham. He approached the Hampshire/Police Complaints Authority Investigation and told a member of the team, DS Dennis Stephens, that he had been informed by a fellow officer that former DS Sidney Fillery used to ask members of his squad to carry out checks on people and vehicles and show the reason for the checks as '*drugs enquiry*', which was fictitious.[228] He said that former DS Fillery and other officers also booked on duty early, on occasion, to execute County Court bailiffs' warrants, for which they also received payment from Southern Investigations, a serious breach of the Police (Discipline) Regulations and possibly also amounting to criminal conduct.[229] The implication was that the people and vehicle checks were connected to the bailiff-related work. If this was the case, those involved would have been guilty of both criminal and disciplinary offences.[230]

175. PC Timothy Grattan-Kane also passed on information which he had received from another officer that former DS Sidney Fillery had on one occasion allegedly seized three sheets of British Gas stamps during the search of a house and that he had not handed in one of the sheets as evidence, the implication being that he had retained it in order to derive some financial or other

227 Report of DS Dennis Stephens, MPS022376001, 12 September 1988.
228 Report of DS Dennis Stephens, MPS022376001, p2, 12 September 1988.
229 Report of DS Dennis Stephens, MPS022376001, p2, 12 September 1988.
230 The allegation of police involvement in the execution of civil process was later supported by a witness the Panel interviewed, the Person M12, who told the Panel that they would on occasion be accompanied by off-duty police officers. The witness had provided a statement to the Morgan One Investigation in August 1987, which did refer to vehicle repossession but made no mention of police involvement; it is not clear whether more comprehensive information had been given orally and not recorded in writing by the officer taking the statement. (Panel interview of Person M12,11 August 2016.)

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benefit.[231] This allegation, along with the information set out in the previous paragraph, was the subject of a report by DS Dennis Stephens.[232] When these allegations were put to former DS Fillery, he responded that he did not know PC Grattan-Kane, had never been questioned about the matters and did not think he had ever seen a British Gas stamp.

176. The Statement Reader suggested eight investigative actions arising from DS Dennis Stephens' report.[233] Two of these were to interview the two officers who had passed the information to PC Timothy Grattan-Kane and another was to interview his Detective Sergeant, whom he had mentioned during the conversation. The two officers (both Police Constables) were subsequently interviewed and provided written statements. However, these did not deal with the matters referred to by PC Grattan-Kane, and there is no evidence that they were asked about the allegations.[234,235] The Detective Sergeant was never interviewed and the action to see him was later marked as '*NFA*' (No Further Action) on the directions of DCS Alan Wheeler, although no reason was recorded for this.[236]

177. It was also suggested by the Statement Reader that the police should:

i. identify the police officers alleged to have been paid for executing County Court civil warrants on behalf of Southern Investigations while on duty;

ii. identify the incident that resulted in the alleged theft of the British Gas stamps;

iii. re-interview PC Timothy Grattan-Kane in depth; and

iv. interview the brother of PC Timothy Grattan-Kane (who was also a serving Metropolitan Police officer).[237]

178. DCI Paul Blaker authorised an interview of PC Timothy Grattan-Kane's brother. He was interviewed on 04 October 1988 and provided information about Jonathan Rees and others.[238] However, DCI Blaker did not ensure that any of the three remaining investigative actions were completed.[239]

179. The action raised to '*assess*' the allegations made by PC Timothy Grattan-Kane was marked '*No further action*' on DCS Alan Wheeler's instructions.[240] There is no indication that any enquiries were made into the allegations, nor is there any evidence that the allegations were reported to the Metropolitan Police or to the Police Complaints Authority. The Panel asked former DCI Paul Blaker about this matter, but he stated that he was unable to recollect anything about it.[241]

231 Report of DS Dennis Stephens, MPS022376001, p2, 12 September 1988.
232 Report of DS Dennis Stephens, MPS022376001, 12 September 1988.
233 Report of DS Dennis Stephens, MPS023075001, 12 September 1988.
234 Witness statements of a Police Constable, MPS018202001, 17 October 1988.
235 Witness statement of PC Laurence Hart, MPS018109001, 19 April 1989.
236 Action A487, MPS031884001, 12 December 1988.
237 Report of DS Dennis Stephens, MPS023075001, 12 September 1988.
238 Action A141, MPS031347001, 23 September 1988 and Report of a Detective Sergeant, MPS022364001, 06 October 1988.
239 Action A143, *'Assess allegations contained in officer's report 7C'*, MPS031349001, 23 September 1988.
240 Action A143, *'Assess allegations contained in officer's report 7C'*, MPS031349001, 23 September 1988.
241 Panel interview of former Supt Paul Blaker, PNL000240001, 26 July 2016.

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180. The failure either to enquire into, or, alternatively, to refer the allegations made by PC Timothy Gratton-Kane to the Metropolitan Police and/or the Police Complaints Authority, was a failing of the Hampshire/Police Complaints Authority Investigation. Although these allegations did not fall within the remit of the Hampshire/Police Complaints Authority Investigation, they were allegations of corrupt activity which should have been reported to the Metropolitan Police.

181. The only substantive criticism that DCS Alan Wheeler eventually made of former DS Sidney Fillery was in respect of the statement he took from Jonathan Rees on 11 March 1987.[242] In his report to the Police Complaints Authority, DCS Wheeler discussed whether former DS Fillery should have been tasked with taking the statement in the first place. He said:

> *'This decision ultimately rested with the Senior Investigating Officer, who might well be criticised but equally well be defended. Some may say the best person to interview another person is one who knows him well."*[243]

182. DCS Alan Wheeler then noted that the statement had become '*a matter of much speculation*' and pointed out that it should have provided the Morgan One Investigation '*with background intelligence and an experienced Detective Sergeant* [such as DS Sidney Fillery] *should have realised what was required*'. He continued, '[*t*]*he statement is noticeable by its brevity and is inadequate for a murder investigation*'. Nevertheless, he went on to say, '*I have found nothing in it which detracted from the main thrust of the Metropolitan* [Police] *Murder Inquiry* [...]'.[244]

183. Given the deficiencies in the account taken from Jonathan Rees by DS Sidney Fillery (see Chapter 1, The Morgan One Investigation), DCS Alan Wheeler's remarks do not reflect the serious nature of the omissions from that statement.

184. DCS Alan Wheeler then went on to discuss the investigative actions that had been allocated to DS Sidney Fillery. DCS Wheeler concluded that in relation to them there was '*no evidence* [...] *that there was any hindrance, obstruction or concealment of information from the Investigation Squad*'.[245]

185. He concluded the section of his report dealing with former DS Sidney Fillery as follows:

> *'FILLERY has been interviewed during the course of my enquiry and he has steadfastly denied what is alleged by LENNON.* [...] *He has expressed his desire to assist with the investigation in any way he can.*

242 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p56, para 233, 04 September 1989.
243 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p56, para 233, 04 September 1989.
244 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p56, paras 234 – 235, 04 September 1989.
245 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p57, para 238, 04 September 1989.

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> *'There is no doubt that following my interview with him in which the similarity of events on 9th and 10th March 1987 were discussed he has caused himself to reconsider REES in a different light but dispite* [sic] *this has not distanced himself from him."*[246]

186. In the summary of his conclusions at the end of his report, DCS Alan Wheeler acknowledged that former DS Sidney Fillery's association with Jonathan Rees '*was too familiar and his friendship and professional Policeman-ship* [sic] *was compromised*' and that '[a] *question will always remain in the mind of the investigator as to why FILLERY has continued his association with REES albeit he has provided a very general explanation to cover this*'.[247] The Panel has not seen this explanation.

187. In September 2013, former DCS Alan Wheeler, of his own volition, wrote a letter to the Panel saying:

> *'The way is open for considering charges against Fillery and Rees for conspiring to murder Morgan or conspiring to defeat the course of justice. There is more direct evidence in support of the latter."*[248]

188. In March 2015, former DCS Alan Wheeler told the Panel that former DS Sidney Fillery had not been properly managed and that he '*paddled his own canoe'*, using '*unorthodox*' methods to detect crime but that because his methods got results, others seemed happy to let things be.[249] He said that corruption survived in the Metropolitan Police because senior officers never asked questions and did not manage people like former DS Fillery properly.[250]

189. In April 2016, former DCS Alan Wheeler was asked about the assertion in his letter of September 2013. He replied that there was '*stuff*' in the original Metropolitan Police enquiry which would have supported a charge of obstructing the course of justice for both former DS Sidney Fillery and Jonathan Rees. Asked why he did not pursue former DS Fillery for that crime, DCS Wheeler stressed that there was no evidence (as opposed to suspicion).[251]

190. Former DCS Alan Wheeler did not provide any detail to the Panel as to why he did not follow up the lines of enquiry available to him, why he did not refer to them in his report to the Police Complaints Authority, or why and on what grounds he thought that he was unable to charge Jonathan Rees and former DS Sidney Fillery with conspiracy to pervert the course of justice.

191. DCS Alan Wheeler did not complete the investigation of the various issues raised in relation to former DS Sidney Fillery and did not report accurately or fully in relation to these matters in his reports to the Police Complaints Authority and Crown Prosecution Service. DCS Wheeler stated in his report, '*there is no evidence to implicate FILLERY in the murder*'. This conclusion could only have been reached validly had DCS Wheeler conducted a full investigation of the various issues raised in relation to former DS Fillery. DCS Wheeler had not in fact conducted this full investigation. This was a serious failing.

246 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p58, paras 240 -241.
247 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p81, paras 344 (j) and (l), 04 September 1989.
248 Letter from former DCS Alan Wheeler to the Panel, 24 September 2013.
249 Panel meeting with former DCS Alan Wheeler, PNL000205001, 24 March 2015.
250 Panel meeting with former DCS Alan Wheeler, PNL000205001, 24 March 2015.
251 Telephone conversation between former DCS Alan Wheeler and members of the Panel, 04 April 2016.

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3.8 The Belmont Car Auctions line of enquiry

192. At the outset of the Hampshire/Police Complaints Authority Investigation, a decision was made to enquire into the alleged robbery of Belmont Car Auctions' monies from Jonathan Rees in March 1986,[252] and to *'examine docs'* and '*report assessment together with proposals for further enquiry'* in relation to DC Peter Foley[253] and DC Alan Purvis. [254] Both officers were designated as '*suspects*'.[255,256]

193. On 25 July 1988, DI Rex Carpenter was allocated the investigative actions relating to DC Peter Foley and DC Alan Purvis. Nothing happened for almost a year. Several other investigative actions were directed in October and November 1988, including an order for enquiries be made with British Telecom to establish if DC Foley's and DC Purvis's home telephones were in use on the evening of 10 March 1987.[257,258] Nothing was done to complete this action and on 13 June 1989 the matters were transferred to 'Operation Plymouth'. Both officers were subsequently interviewed in July 1989 by DCI Paul Blaker. This will be discussed below, in the context of Operation Plymouth (see paragraphs 456-458 below).

194. Between 25 July 1988 and April 1989, 20 investigative actions in relation to the Belmont Car Auctions matter were raised.[259] These were all relevant lines of enquiry designed to establish whether the alleged robbery in March 1986 had in fact occurred, and to secure any information which might assist the murder investigation. DS Dennis Stephens reported in January 1989 that it could not be determined whether the alleged robbery had taken place or not.[260] Although further actions were raised after that date, the conclusion did not alter and no new information was obtained.

195. None of the investigative actions related to Glenn Vian or Garry Vian, who had been arrested during the course of the Morgan One investigation because of their connection to the provision of security by Southern Investigations at Belmont Car Auctions. There is no mention of either brother, relating to this or to any other issue, in the Hampshire/Police Complaints

252 Action A5, *'Enquire into robbery of £18000 from W.J. REES 180386'*, MPS031037001, 25 July 1988.
253 Action A14, *'Examine documentation relating to FOLEY N8'*, MPS031046001, 25 July 1988.
254 Action A12, *'Examine docs re DC PURVIS & report assessment'*, MPS031044001, 25 July 1988.
255 Action A9, MPS031041001, 25 July 1988.
256 Action A11, MPS031043001, 25 July 1988.
257 Action A226, *'Make enquiries with B Tel – ascertain if PURVIS telephone was in use 103087'*, MPS031794001, 07 October 1988.
258 Action A228, *'Make enquiries with B Tel – ascertain if FOLEY's telephone was in use 100387'*, MPS031792001, 07 October 1988.
259 Action A5, *'Enquire into robbery of £18000 from WJ REES 180386'*, MPS031037001, 25 July 1988.
Action A10, *'Enquire into armed robbery Belmont Car Auctions 250286'*, MPS031042001, 25 July 1988.
Action A107, *'Interview [...] of Barclays Bank re Daniel MORGAN'*, MPS031261001, 13 September 1988.
Action A108, *'Int Person O24 re contents of S254'*, MPS031264001, 13 September 1988.
Action A205, *'Int Director of Belmont Car Auctions N552 re REES robbery'*, MPS031836001, 06 October 1988.
Action A225, *'Interview concerning his knowledge of Belmont Car Auctions'*, MPS031795001, 07 October 1988.
Action A227, *'Interview concerning his knowledge of Belmont Car Auctions'*, MPS031793001, 07/10/1988.
Action A282, *'Est from Belmont Car Auct FILLERY / PURVIS & FOLEY role'*, MPS031585001, 27 October 1988.
Action A284, MPS031582001, 27 October 1988.
Action A323, *'Obt letters BB/1, BB/2 seized from FOLEY by DSU BELLIS'*, MPS032166001, 11 November 1988.
Action A324, *'Obt officers report from* [...] *re tape A MORGAN'*, MPS032165001, 11/11/1988.
Action A633, *'Interview and T/ST Mrs Iris MORGAN'*, MPS032354001, 27 February 1989.
Action A644, *'T/ST Unident N2140 to prove Hight Court order 050387'*, MPS032326001, 27 February 1989.
Action A672, MPS032297001, 06 March 1989.
Action A690, MPS032273001, 14 March 1989
Action A717, MPS032805001, 12 March 1989.
Action A724, MPS032794001, 13 March 1989.
Action A734, MPS032778001, 14 April 1989.
Action A755, MPS032736001, 24 April 1989.
Action A770, *'T/ST PURVIS re his presence BCA 190386'*, MPS032711001, 25 April 1989.
260 Report of a Detective Sergeant, MPS022344001, 16 January 1989.

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Authority database. While the Morgan One Investigation had found no evidence against them, it is not clear whether DCS Alan Wheeler considered incorporating them into his investigation. If he did so, he did not record the fact, nor his reasons for excluding them.

196. It appears that from the very outset of his investigation, DCS Alan Wheeler decided that DC Peter Foley and DC Alan Purvis were of low priority. Indeed, they were of such low priority that he decided that, given that their alibis for the night of 10 March 1987 had not been checked by the Morgan One Investigation, there was little point in his investigation now embarking on the task and he reported accordingly in his final report to the Police Complaints Authority.[261] This view may have been justified but is at odds with their designations as suspects, with his Terms of Reference and with the fact that the previous year they had been arrested on suspicion of murdering Daniel Morgan. DCS Alan Wheeler failed to investigate this matter properly.

3.8.1 An anonymous letter

197. An issue that touched on the Belmont Car Auctions matter arose out of an anonymous letter sent on 12 April 1989 to Fareham Police Station, where the Hampshire/Police Complaints Authority Investigation was based.

198. The handwritten letter, which appeared to have been carefully drafted, stated that the author had been a regular at the Harp public house in Croydon for a number of years and that for two years they had wanted to get something off their chest. The letter said that:

> *'*[o]*n numerous occasions I heard Mr Rees and other police officers openly discussing police business. I've also seen Mr Rees, police officers and the Vine brothers*[262] *who are known for there* [sic] *extremely violent manner, drinking together.*
>
> *'Can I bring to your attention that several months before the murder of Mr Morgan there was a disturbance outside the Harp in which the Vine brothers where* [sic] *known to have used hatchets. I've heard the Vine brothers talking of how they collected debts for Mr Rees and others by the use of violence, and boasting of the fact that they have done so. It is also well known that they hated Mr Morgan.*
>
> *'One Sunday Mr Morgan came into the pub and got very angry over the fact Mr Rees had been rob,* [sic] *he insinuated that Mr Rees and police officers who had been working for there* [sic] *company had staged the whole thing.'*

199. The author concluded that they could not give their name because they were: '*frightened of a violent act towards me*'.[263]

200. It is believed that any reference made in the letter to the 'Vine' brothers is in relation to Glenn and Garry Vian.

261 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, pp59-60 para 248 & p62 para 262, 04 September 1989.

262 The Panel has seen a great number of documents in the papers disclosed to it in which Garry and Glenn Vian are referred to, almost interchangeably, by the surname *'VINE'*.

263 Anonymous letter sent to Fareham Police Station, MPS032777001, 12 April 1989.

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201. On 14 April 1989, the investigation's Office Manager, in consultation with DCI Paul Blaker, raised an action for the identity of the author to be ascertained and for the database to be researched '*re spelling of VINE'.* He then allocated the action to himself and subsequently endorsed it: '*Sir, unable to identify writer from database or manual search of witness statements*.' The handwritten endorsement is not dated and so it has not been possible to ascertain when the checks were made.[264]

202. From the papers available to the Panel, it appears that no further steps were taken or even considered by the Hampshire/Police Complaints Authority Investigation in relation to this matter. It was not until 2010, when the Abelard Two Investigation was underway, that belated steps were taken to have the letter tested for fingerprints and for an ESDA test to be performed.[265]

203. The result of the Abelard Two checks was that no identifiable fingerprints[266] were found and that the author had either written the letter out several times or had rested later sheets on earlier ones.[267]

204. The Abelard Two Investigation also made efforts to interview staff who worked at The Harp public house at the time of Daniel Morgan's murder. Unfortunately, the landlady had died before they were able to speak to her[268] and the barmaid stated that she did not send the letter.[269]

205. The manner in which this matter was dealt with by the Hampshire/Police Complaints Authority Investigation was inappropriate. It appears that the letter was received by the Office Manager, who then endorsed it as '*receiver*', marked it for an action to be raised, raised the action, allocated it to himself, carried out the action, then received it, indexed it and then, reverting to his role as Office Manager, filed it. This was not consistent with the procedures set down in Major Incident Room Standard Administrative Procedures designed to cross-check and provide quality control in a Major Incident Room.

The steps taken by the Abelard Two Investigation were elementary steps that should have been taken by the Hampshire/Police Complaints Authority Investigation. Receipt of the letter should have prompted more intensive enquiries at The Harp public house and a closer examination of the alleged incident prior to Daniel Morgan's murder, involving hatchets. The allegation of police officers openly discussing police matters with Jonathan Rees and the '*VINE*' brothers should have been referred to the Metropolitan Police Complaints Investigation Bureau for action.

264 Action A735, *'I/D writer of anonymous letter postmarked Croydon'*, MPS032775001, 14 April 1989.
265 Forensic submission form, MPS079558001, 13 December 2010 and Message M1896, MPS074858001, 10 February 2011. ESDA stands for *'Electrostatic Detection Apparatus'*. It is a specialised piece of equipment used to reveal indentations or impressions in paper that are imperceptible to the naked eye and can be helpful in determining when and by whom a document was written, as well as revealing details of other documents or pages of the same document that may not be in the possession of the police.
266 Email message MPS109496001, p5, 30 November 2011.
267 Witness statement, MPS079186001, 03 February 2011.
268 Abelard Two Message M1898, MPS074860001, 10 February 2011.
269 Abelard Two Message M1912, MPS074875001, 01 March 2011.

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3.9 The case of Leonard Beauchamp

206. The Hampshire/Police Complaints Authority Investigation also examined information received from Person U25 by the Morgan One Investigation (see Chapter 1, The Morgan One Investigation) in October and November 1987, that a man called Leonard Beauchamp, also known as Sanderson, was in possession of a tape-recording of a conversation between police officers and others from Catford Police Station planning a murder in Sydenham, before the murder took place.[270] Leonard Beauchamp was, as a consequence, made the subject of a '*special notice*' in the nationally circulated '*Police Gazette*' seeking his whereabouts. He was never traced.[271] Person U25 had also allegedly received information on or before 02 April 1987 that three civilians and three police officers, including a sergeant, had been arrested, i.e. had received the information the day before the arrests actually took place.[272]

207. On 13 October 1988, DI Rex Carpenter interviewed Person U25 and later submitted a lengthy report. While there had been no additional information gleaned from the interview, DI Carpenter concluded by recommending that police:

i. speak with the journalists who were the recipients of the 'leak' of the planned arrests of the police officers;

ii. trace Leonard Beauchamp; and

iii. speak with DI Allan Jones of the Morgan One Investigation in order to ascertain exactly what enquiries had already been made to trace Leonard Beauchamp.[273]

208. DCI Paul Blaker instructed only that DI Allan Jones be contacted.[274] However, this was never done. Following the Director of Public Prosecution's decision to discontinue proceedings, nothing was done to trace Leonard Beauchamp or to speak to the journalists.

209. This matter should have been thoroughly investigated. The witness had provided accurate, confidential information concerning the planned arrests of police officers during the investigation of Daniel Morgan's murder. Although he was not able to provide direct evidence of the existence of a tape-recording, nor of its contents, the alleged contents of the tape-recording went to the core of DCS Alan Wheeler's mandate from the Metropolitan Police and the Police Complaints Authority. Yet no effort was made to establish its veracity, or to trace Leonard Beauchamp. This was a very serious failing.

270 Witness statement of member of the public, MPS010825001, pp1-5, 30 October 1987.
Witness statement of member of the public, MPS010825001, pp6-10, 04 November 1987.
Registry docket report of D/Supt Douglas Campbell, MPS005461001, pp7-8, paras72-81, undated.
271 Police Gazette, MPS011475001, 20 November 1987.
272 Witness statement of Michael Jeacock, MPS010812001, 28 October 1987.
Witness statement of member of the public, MPS010825001, p7, 04 November 1987.
273 Report of DI Rex Carpenter, MPS022408001, 24 October 1988.
274 Hampshire Police MIR bespoke proforma re report R6AY of DI Rex Carpenter, MPS022777001, 15 November 1988.

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3.10 Further witness evidence: a member of the bar staff at the Golden Lion public house

210. A barmaid had been working at the Golden Lion public house on the night that Daniel Morgan was murdered. She had also been working the previous evening when Daniel Morgan, Jonathan Rees, DS Sidney Fillery and members of the Catford Crime Squad had been present and there was a suggestion that Daniel Morgan had had a brief conversation with her at that time. She provided several witness statements to the Morgan One Investigation and also gave evidence at the Inquest about what she had seen (see Chapter 1, The Morgan One Investigation, and Chapter 2, The Inquest). In her statements and evidence, she described seeing a man with a beard, who fitted Daniel Morgan's description, in the bar. She said that she had served the bearded man with crisps and two drinks at around 9.20 pm on 10 March 1987.[275] She had identified Daniel Morgan as the man to whom she had sold the crisps when shown a photograph on 16 April 1987.[276] Daniel Morgan's body had been found at about 9.40 pm. Jonathan Rees had said that he had left the Golden Lion public house at 9 pm.[277] The barmaid also said that he had been sitting with another similarly dressed man – i.e. dressed in a suit – on a settee opposite the bar.[278]

211. It was important to obtain a detailed account of what the barmaid had seen and heard on both 09 and 10 March 1987, as she may have had relevant evidence concerning the possible reason why Daniel Morgan and Jonathan Rees were in the Golden Lion public house on the evening of 10 March. Furthermore, her recollection of when exactly she served the bearded man with crisps had a potential effect on the time parameters between which the murder could be considered as having taken place and thus whether or not Jonathan Rees was still present in the public house at the time or had already left.

212. Her account was problematic for the Morgan One Investigation, as the timing and location within the bar that she described did not fit in with the investigation's view of events as described by D/Supt Douglas Campbell, who reported in January 1988 that '[t]*he barmaid* [...] *is totally confused, she does not remember serving MORGAN other than at about 9.20 pm when a man with a beard bought two packets of crisps. It is felt that at this time MORGAN was dead.*'[279] There is absolutely no evidence to support D/Supt Campbell's belief that Daniel Morgan was dead at 9.20 pm. Person T4, who had arrived at about 8.30 or 8.45 pm, had told the Morgan One Investigation that he had seen two men, the larger of whom had left after 10 or 15 minutes and had returned a short time later wearing a white raincoat and black gloves, which he had not been wearing previously. He stated that the man in the raincoat then left and that the bearded man left shortly afterwards.[280] The barmaid did not recall seeing the second man wearing a raincoat. During the Inquest, her evidence had been the subject of some discussion (see Chapter 2, The Inquest). DCS Alan Wheeler and his team also examined and commented on the matter during the course of the Hampshire/Police Complaints Authority Investigation and were unable to arrive at a consensus about when Daniel Morgan and Jonathan Rees left the Golden Lion public house.

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275 Witness statement of the barmaid of the Golden Lion public house, MPS010134001, pp1-3,10 March 1987.
276 Witness statement of the barmaid of the Golden Lion public house, MPS015677001, p2, 16 April 1987.
277 Witness statement of Jonathan Rees, MPS026848001, 11 March 1987
278 Witness statement of the barmaid of the Golden Lion public house, MPS010134001, p3,10 March 1987.
279 Report of DS Douglas Campbell, MPS037174001, p16, 22 January 1988.
280 Witness statement of Person T4, MPS000141001. 12 March 1987.

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213. On 15 August 1988, DCS Alan Wheeler and DCI Paul Blaker interviewed June Tweedie, the barrister who had represented Isobel Hülsmann and Alastair Morgan at the Inquest.[281] The object of the meeting was to obtain her thoughts about a number of issues that had arisen during the Inquest. The first matter June Tweedie raised was the evidence of the barmaid. She suggested that insufficient weight had been given to the barmaid's account and that the police had convinced the witness that she was mistaken. DCI Blaker noted in his report of the meeting that this matter and a number of others that June Tweedie raised were worthy of further investigation.[282]

214. The barmaid was therefore interviewed a short time later and told the interviewing officer, DS Dennis Stephens, that she was unable to add anything to the statements she had made to the Morgan One Investigation. However, DS Stephens recommended that she be interviewed again at a later date.[283]

215. Another Detective Sergeant was then tasked with analysing the statements the barmaid had made to the Morgan One Investigation and the evidence that she had given at the Inquest. On 27 September, he submitted a three-page report in which he went through her account line by line and stated that, in his view, she was an important witness who had provided positive evidence that should not be dismissed lightly. He concluded that her account had in fact been '*unjustly dismissed*'.[284]

216. As a consequence of the Detective Sergeant's report, the next day DCI Paul Blaker instructed that an action be raised for the barmaid's *'credibility'* to be assessed, and this was allocated to DI Trevor Witt. The barmaid was subsequently interviewed again and on 06 October DS Dennis Stephens returned the action having endorsed it:

> '[The barmaid] *was certain that MORGAN sat opposite the bar and not on the raised area when she first made her statement. She was re-interviewed and felt that police officers were attempting to make her say she may have been mistaken. She has not changed her views and is a very credible witness.'*[285]

217. DS Dennis Stephens and the other Detective Sergeant, apparently independently of each other, had therefore considered the matter in depth by analysing the barmaid's account and by interviewing her. Both officers concluded that her account was credible and that the doubt that had been cast on it by the Morgan One Investigation and at the Inquest was not justified. It might therefore be reasonable to think that the matter had been settled and indeed, as far as the Panel can ascertain from the papers disclosed to it, no further enquiries were made in relation to the barmaid's evidence by the Hampshire/Police Complaints Authority Investigation and certainly nothing was found that would contradict the verdicts of DS Dennis Stephens or the other Detective Sergeant.

218. DCS Alan Wheeler incorrectly identified Daniel Morgan as the man who had chatted to the barmaid. Therefore, it was not surprising that she did not remember Daniel Morgan as being that individual. In his report to the Director of Public Prosecutions, submitted in February 1989 after Jonathan Rees, Paul Goodridge and Jean Wisden had been charged, he reported as follows:

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281 Record of interview of June Tweedie, MPS031782001, 15 August 1988

282 Report of DCI Paul Blaker, MPS023018001, 18 August 1988. June Tweedie repeated this assertion to Roland Moyle in a meeting he had with her and Isobel Hülsman in October 1988: Message from Roland Moyle to DCS Alan Wheeler, MPS028411001, 24 October 1988.

283 Report of a Detective Sergeant, MPS022374001, 15 September 1988.

284 Report of the Detective Sergeant, MPS022625001, 27 September 1988.

285 Action 187, *'Check contents R11D re credibility N44 the barmaid of The Golden Lion public house'*, MPS031469001, 28 September 1988.

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> *'A barmaid* […] *talks of serving a man with a beard who bought two packets of crisps, (two packets of crisps were found alongside the body of MORGAN).* [The barmaid] *appears to be totally confused. She times the crisps purchase at 2120 hours.*
>
> *'There is an incident the previous night (Monday 9th) when MORGAN "chatted up"* [the barmaid] *and one would think* [she] *would remember MORGAN.* [The barmaid] *must be confused."*[286]

219. However, there is no material in the papers disclosed to the Panel indicating on what basis DCS Alan Wheeler arrived at this verdict.

220. It is unclear why DCS Alan Wheeler, having caused detailed enquiries to be made of the barmaid's account by two of his team, should have disregarded his officers' conclusions without any evident justification or documented reasoning.

3.11 The investigation at the Golden Lion public house and its car park on 10 March 1987 and allegations made by DI Christopher Horne

221. DCS Alan Wheeler commissioned photographs of the crime scene at the Golden Lion public house, which were taken on 19 October 1988 by a Detective Constable.[287]

222. Twelve photographs were taken providing various views of the front elevation of the Golden Lion public house, the alleyway to the car park entrance, the car park entrance, the gateway to the rear garden, the rear access, the gateway to the car park, and the patio of a flat above the nearby shops showing the rear garden and car park of the Golden Lion public house.[288]

223. On 02 November 1988, DCS Alan Wheeler arranged for a reconstruction of the scene in the Golden Lion public house car park, which was informed also by the original crime scene photographs.[289]

224. DCS Alan Wheeler, DCI Paul Blaker, DCI Terence Farley, DI Trevor Witt, DI Rex Carpenter and other officers of the Hampshire/Police Complaints Authority Investigation attended, as did DS Graham Frost, DC Noel Cosgrave and PC Laurence Hart from the Metropolitan Police. A member of the public, whose blue Morris Marina car was in the car park when the original crime scene photographs were taken, was also present.[290]

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286 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, p30, paras 59-60, 23 February 1989.
287 Photographs taken at the Golden Lion public house, Sydenham Road, Sydenham, by a Detective Constable, MPS081771001, 19 October 1988.
288 Photographs taken at the Golden Lion public house, Sydenham Road, Sydenham, by a Detective Constable, MPS081771001, 19 October 1988.
289 Witness statement of DCS Alan Wheeler, MPS010995001, p1, 08 February 1989.
290 Witness statement of DCS Alan Wheeler, MPS010995001, p1, 08 February 1989.

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225. The member of the public parked his car in the position in which it had been parked on 10 March 1987.[291] A vehicle was parked where Daniel Morgan's car had been at the time his body was found.[292] They waited until darkness and then tried to establish if an assailant could hide and approach someone in the position in which Daniel Morgan's body was found without detection. DCS Alan Wheeler concluded that he was:

> *'of the opinion that it is extremely unlikely that anyone could do this. I am of the opinion that MORGAN was murdered by someone who he allowed to come close to him without suspicion. This opinion is further supported by the absence of any defence wounds or deflected wounds from the axe which killed him. The blow to his head indicated they were accurately struck by someone close to him and at arm's length'.*[293]

226. On 26 October 1988, DCI Terence Farley and a Detective Sergeant carried out a forensic examination on the bodywork of the member of the public's car.[294] Nothing of any significance was found. DCI Farley stated that he had been advised that the car had been kept in a garage since Daniel Morgan's murder; however, it had in fact been in use since the beginning of October 1988 and had been fitted with new tyres, brakes and a new exhaust.[295] This meant that any potential evidence which DCI Farley might have otherwise found would have been lost or compromised.

227. In the course of interviewing all the officers involved in the Morgan One Investigation, on 18 May 1989, DCI Paul Blaker and a Detective Sergeant interviewed DI Christopher Horne, who at the time of the Morgan One Investigation was a Detective Sergeant. He made a witness statement to the Hampshire officers concerning his role in the Morgan One Investigation. He then went on to allege that Catford Crime Squad officers, who had been deployed to the Golden Lion public house to make enquiries in the early stages of the investigation, had not been briefed properly, and that when they arrived there, they did not know what was expected of them.[296,297]

228. DI Christopher Horne acknowledged to DCI Paul Blaker and the Detective Sergeant that he had a personal dislike for both D/Supt Douglas Campbell and DI Allan Jones, and he told DCI Blaker and the Detective Sergeant that he was critical of the fact that Jonathan Rees had not been treated as a suspect from the beginning and of the lack of forensic examination of his clothing. He also commented adversely on the fact that notes had not been made of the initial conversation between Jonathan Rees and D/Supt Campbell and DI Jones, something he said was '*totally unacceptable*'.[298]

229. DI Christopher Horne also made a number of other criticisms, including that, '[t]*he drugs angle was not fully investigated*'. He summed up his overall view of the investigation by describing it as incompetent.[299]

230. The Panel sought to interview former DI Christopher Horne, but he did not respond to the request.

291 Witness statement of DCS Alan Wheeler, MPS010995001, pp1-2, 08 February 1989
292 Witness statement of DCS Alan Wheeler, MPS010995001, pp, 08 February 1989
293 Witness statement of DCS Alan Wheeler, MPS010995001, p2, 08 February 1989.
294 Report of DCI Terence Farley, MPS005270001, p 18, 19 January 1989.
295 Report of DCI Terrence Farley, MPS005270001, pp 18-19, 19 January 1989.
296 Report of a Detective Sergeant, MPS027957001, 23 May 1989.
297 Witness statement of DI Christopher Horne, MPS026375001, p2, 18 May 1989.
298 Report of a Detective Sergeant, MPS027957001, 23 May 1989.
299 Report of a Detective Sergeant, MPS027957001, 23 May 1989.

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231. To the extent that the Panel is able to verify and establish the substance of former DI Christopher Horne's professional views, given that it has not been able to speak with him, it appears that they coincide with those of the Panel (see Chapter 1, The Morgan One Investigation).

3.12 Daniel Morgan's missing Rolex watch

232. The issue of Daniel Morgan's missing Rolex wristwatch was addressed in May 1989.

233. In a witness statement made to the Hampshire/Police Complaints Authority investigation, Iris Morgan confirmed an earlier statement made on 17 March 1987, a week after her husband's murder, that her husband had purchased the watch in 1986. She said that she knew he had been wearing it on his left wrist on 10 March 1987, as she had seen him look at the time. She also said that two days after her husband's death, she had mentioned to WDC Christine Fowles and DC Richard Davis the fact that he had been wearing it on the day he was murdered. She believed that the police did not know that he was wearing a wristwatch until she had mentioned it.[300]

234. DCI Terence Farley had referred to the watch during his review of the forensic aspects of the Morgan One Investigation. The Scenes of Crime officer, who had attended the scene of the murder in 1987, told him that he thought Daniel Morgan was wearing a wristwatch, which he thought was a Rolex, possibly gold, when the Scenes of Crime Officer saw the body at the scene.[301]

235. The forensic officer, DS Graham Frost, who had searched Daniel Morgan's body, had told DCI Terence Farley that he did not recall seeing a watch.[302] He repeated this in a witness statement made in April 1989.[303]

236. On 02 December 1988, the Coroner's Officer, a Police Constable, told the Hampshire/Police Complaints Authority Investigation that he was unable to assist with enquiries about the watch. He said that property was normally removed from the deceased at the mortuary and then registered at the respective police station.[304]

237. On 19 April 1989, a witness who worked for Rolex, which had supplied the jewellers who sold the watch to Daniel Morgan, stated that the watch was supplied with a stainless-steel oyster bracelet with a single lock clasp, which meant that the bracelet could be removed with a single movement to release the clasp, enabling it to be easily lifted from the wrist and over the hand.[305]

238. The watch was never found.

300 Witness statement of Iris Morgan, MPS010377001, pp8-9, 02 March 1989.
301 Report of DCI Terence Farley, MPS005270001, p21, 19 January 1989.
302 Report of DCI Terence Farley, MPS005270001, p 6, 19 January 1989.
303 Witness statement of DS Graham Frost, MPS005281001, p1, 26 April 1989.
304 Report of DS Dennis Stephens, MPS022354001, 02 December 1988.
305 Witness statement of person employed by Rolex, MPS010936001A, 19 April 1989.

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239. The Panel is satisfied that this matter was dealt with proportionately.

4 Jonathan Rees: the prime suspect

240. Jonathan Rees was classified as a suspect from the outset of the Hampshire/Police Complaints Authority Investigation, and it is clear that he very soon became the main suspect for the murder.[306] Officers were instructed to '[e]*xamine documentation on* [him]. *Submit assessment together with proposals for further enquiry*.' Responsibility for this was allocated to DI Trevor Witt, and a record dated 10 April 1989 endorsed on the action states: '*Action covered in course of Operation Drake*.'[307] However, the records in the Panel's possession do not indicate what precise steps, if any, were taken in respect of this.

241. This action was a sensible and logical first step, which, if carried out effectively, would have enabled a strategic approach to be taken to investigating Jonathan Rees's alleged involvement in Daniel Morgan's murder. However, while a great deal of work was done in respect of Jonathan Rees, there is no evidence that such a strategic approach was adopted.

4.1 Jonathan Rees's alibi and account under questioning

242. On 14 November 1988, DCS Alan Wheeler documented his decision that the investigation would now '*concentrate on the alibi of Paul Goodridge, and John* [sic] *Rees for the night of 100387*'.[308] On 08 December 1988, he submitted an interim report to the Police Complaints Authority, the purpose of which he stated was '*to highlight the diminishing alibis of Paul GOODRIDGE and John* [sic] *REES*'.[309]

243. Jonathan Rees's alibi was that he could not have murdered Daniel Morgan because he had left him alive in the Golden Lion public house about 9.00 pm on 10 March 1987 and had immediately driven from that location to the Beulah Spa public house. He claimed that he had arrived there about 9.30 pm and was joined a short time later by Paul Goodridge. En route he had made and received several telephone calls using his in-car mobile telephone and had spoken with his wife, with Paul Goodridge and with Paul Goodridge's girlfriend, Jean Wisden. He and Paul Goodridge had remained in the Beulah Spa public house until about 11.00 pm, after the time at which Daniel Morgan's body had been discovered.[310,311]

244. In his report to the Police Complaints Authority, DCS Alan Wheeler summarised the accounts of Paul Goodridge's and Jonathan Rees's movements, as provided by both men and Jean Wisden to the Morgan One Investigation. He then stated that the claims made by Paul Goodridge, Jonathan Rees and Jean Wisden could not be true. He based his assertion

306 Action A13, *'Raise suspect file on William Johnathan* [sic] *REES'*, MPS031045001, 25 July 1988.
307 Action A15, *'Examine documentation on William Johnathan* [sic] REES', MPS031047001, 25 July 1988.
308 Operation Drake SIO Policy Document Decision 19, MPS035201001, p3, 14 November 1988.
309 Interim Report of DCS Alan Wheeler to the Police Complaints Authority, MPS022468001, p3, para10, 08 December 1988.
310 Witness statement of Jonathan Rees, MPS026848001, 11 March 1987.
311 Witness statement of Jonathan Rees, MPS026849001, 20 March 1987.

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on an analysis of their statements and the statements of other witnesses, compared with an examination of the itemised billing of calls made from Jonathan Rees's mobile telephone on the night of 10 March and of timings obtained from Channel 4 of the broadcast that night of a film, which Paul Goodridge claimed to have been watching at home.[312]

245. Paul Goodridge had told the Morgan One Investigation in two statements, made on 12 March and on 25 March 1987, that on the morning of Monday 09 March 1987 he had been at the offices of Southern Investigations, when he learned from Jonathan Rees that the business was being sued and needed £10,000 to lodge with the High Court. Jonathan Rees had asked him whether he knew of anyone who would be able to help raise that sum. Paul Goodridge told the police that he replied that, although he knew no one who would lend such an amount of money, he would ask around with friends. The following day, he was again at Southern Investigations and Jonathan Rees asked him if he had had any success and when told that he had not, Jonathan Rees asked him to keep trying. Paul Goodridge claimed that at this point Daniel Morgan arrived with one of Southern Investigations' employees, Anthony Pearce, and that he and Jonathan Rees spoke with them both. He was also asked by the police if a meeting had been arranged for later that day at the Golden Lion public house to discuss the money but stated that he could not remember. Shortly thereafter he had left the premises and later in the day went to pick up his girlfriend, Jean Wisden, from the hospital where she worked as a secretary.[313,314]

246. Anthony Pearce later provided a statement to the Morgan One Investigation in which he claimed that he could say with certainty that Paul Goodridge was not at the offices of Southern Investigations at any time on Tuesday 10 March 1987.[315] Another employee of Southern Investigations, Peter Newby, later provided a similar statement to Hampshire officers in which he said, '*Regarding the 10th March 1987 I definitely did not see Paul Goodridge at the offices of Southern Investigations that day. I am certain I would have seen him had he visited and in any case this fact would have been recorded in my earlier statements*.'[316]

247. Paul Goodridge had said that he was delayed returning home by a visit to the hospital, as Jean Wisden had fallen at work that afternoon and was being treated. They did not leave the hospital until sometime between 5.30 pm and 6.15 pm. They drove home, stopping to buy a newspaper and milk on the way and then at about 9.10 pm went out again to a local off-licence to buy some wine and rent a video, returning a short time later when they began to watch a film on Channel 4.[317]

248. Paul Goodridge went on to say that Jonathan Rees then telephoned the house at a particular point in the film, which later became significant when the varying claims about times were analysed. The call was answered by Jean Wisden. Jonathan Rees told Jean Wisden that he wanted Paul Goodridge to meet him at the nearby Beulah Spa public house. Paul Goodridge stated that he left the house about 9.30 pm and arrived at the Beulah Spa some ten minutes later. As he drove into the car park, he received a call from Jonathan Rees on his in-car mobile telephone; he told Jonathan Rees that he was just arriving.

312 Interim Report of DCS Alan Wheeler to the Police Complaints Authority, MPS022468001, pp4-7, paras13-25, 08 December 1988.
313 Witness statement of Paul Goodridge, MPS021952001, 12 March 1987.
314 Witness statement of Paul Goodridge, MPS010058001, 25 March 1987.
315 Witness statement of Anthony Pearce, MPS010455001, 27 March 1987.
316 Witness statement of Peter Newby, MPS010352001, 23 November 1988.
317 Witness statement of Paul Goodridge, MPS021952001, 12 March 1987.
Witness statement of Paul Goodridge, MPS010058001, 25 March 1987.

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249. Jonathan Rees was waiting for him inside the premises dressed in a white raincoat. They had a conversation about raising the £10,000 and Paul Goodridge claimed that he told Jonathan Rees that he had been '*flying about*' trying to arrange it but had not been successful. He said that there was no conversation about a missed meeting at the Golden Lion public house, although Jonathan Rees's opening words to him had been '*Where in the fuck have you been?*' Paul Goodridge said that he left at 10.55 pm to return home.[318]

250. Jean Wisden gave a similar account to that of her boyfriend but, as DCS Alan Wheeler pointed out in his interim report to the Police Complaints Authority, Paul Goodridge had claimed to be illiterate and so Jean Wisden had been present while he made his statement and she was thus familiar with his account.[319] In her statement she described her accident and the fact that Paul Goodridge had picked her up from the casualty department at the hospital and took her home, where they arrived about 6.00 pm. She confirmed that about 9.00 pm they went together to buy wine and rent a video and shortly after returning home she answered the telephone to Jonathan Rees who asked her to tell Paul Goodridge to meet him at '*the Spa*'. She stated that Paul Goodridge left their flat about 9.30 pm. She went on to say that he returned home '*just after eleven (11pm)*', and she recalled that the film they had been watching together before he had left had by that time finished.[320]

251. In the statement of Jonathan Rees taken on 11 March 1987 by DS Sidney Fillery, Jonathan Rees had said that he and Daniel Morgan had intended to meet Paul Goodridge in the Golden Lion public house because they were due to be introduced to someone by him, with a view to securing a loan. However, Paul Goodridge did not turn up due to '*his wife's*' workplace accident and so the two men just had a drink and then Jonathan Rees left the premises about 9.00 pm. He claimed that he then drove to the Beulah Spa public house and en route telephoned Paul Goodridge from his in-car mobile telephone and arranged to meet him there. They stayed until '*last orders*' and then left. Jonathan Rees said that he arrived home shortly after 11.00 pm.[321]

252. In a later statement[322] made to DI Allan Jones on 20 March 1987, Jonathan Rees gave a more detailed account of his movements and of the telephone calls he made and received during the evening, based on the call billing document[323,324] the police had obtained, saying the following:

i. At 9.04 pm he had received a call from his wife while he was driving away from the Golden Lion public house and that this had lasted twelve minutes.[325,326]

ii. At 9.17 pm he telephoned Paul Goodridge to enquire about the loan. He was specific that he had spoken both to Jean Wisden and to Paul Goodridge.

318 Witness statement of Paul Goodridge, MPS021952001, p5, 12 March 1987.
319 Interim Report of DCS Alan Wheeler to the Police Complaints Authority, MPS022468001, p5, para 18, 08 December 1988.
320 Witness statement of Jean Wisden, MPS000993001, 25 March 1987.
321 Witness statement of Jonathan Rees, MPS026848001, 11 March 1987.
322 Witness statement of Jonathan Rees, MPS000948001, 20 March 1987.
323 It should be noted that the itemised billing for Jonathan Rees' car telephone only identified numbers which he had dialled, not the identity of callers to his telephone. The duration of calls both made and received was recorded. When a call was received the billing or printout showed the time the call was received, Jonathan Rees's own telephone number of 0860334712, and a zero cost.
324 Printout of car phone for Jonathan Rees 0860334712, MPS000960001, 17 March 1987.
325 Witness statement of Jonathan Rees, MPS000948001, 20 March 1987.
326 The duration of the call that Jonathan Rees said he received from his wife was between 11 minutes and 31 seconds and 12 minutes. (The telephone company charged in 30 second blocks after the first minute of each connection – Witness statement of telephone network administrator, MPS010338001, p4, 29 September 1987.)

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iii. At 9.19 pm he telephoned his wife at home to tell her that he was going to the Beulah Spa.

iv. At 9.21 pm he received a call from Paul Goodridge who said that he was on his way.

v. At 9.23 pm he telephoned Paul Goodridge again in order, he claimed, to cancel the meeting. However, he also stated said that he arrived at the public house about 9.25 pm or 9.30 pm but did not explain his apparent change of mind.

vi. At around 10.50 pm he left to go home and at 11.15 pm he telephoned his wife while en route to ask if she wanted him to bring her a kebab. He stopped to buy this and arrived home about 11.30 pm.

253. When interviewed in custody by D/Supt Douglas Campbell on 03 April 1987 having been arrested, Jonathan Rees had said that the arrangement to meet Paul Goodridge had been made in the presence of Daniel Morgan and Anthony Pearce.[327] Although Paul Goodridge had denied arranging to meet them, Jonathan Rees had maintained that the meeting had been agreed, although neither he nor Daniel Morgan had expected it to take place, as they did not believe that Paul Goodridge was able to arrange such a loan.[328] Jonathan Rees had confirmed that he left the Golden Lion public house about 9.00 pm and that it had taken him about 25 to 30 minutes to drive to the Beulah Spa public house. It was put to him that the journey at that time on a Tuesday evening would have been much shorter, but he maintained his account.[329]

254. He had insisted to D/Supt Douglas Campbell that at 9.04 pm he had had a 12-minute conversation with his wife, and that it had been Paul Goodridge who had suggested meeting at the Beulah Spa, as he wanted to explain why he had been unable to make the meeting at the Golden Lion public house, and about his girlfriend's workplace accident.[330]

255. On 01 February 1989, Jonathan Rees was interviewed under caution following his arrest by Hampshire officers. He distanced himself from the accounts he had given previously to the Morgan One Investigation. DCI Paul Blaker referred him to his statement of 20 March 1987 and asked if it had been accurate. Jonathan Rees replied:

> *'No it wouldn't have been an accurate statement, you're talking about ten days after the event, aren't you, ten days, that statements* [sic] *asking me to recall telephone conversations from ten days previously, again that was the most traumatic experience, certainly in my life, so I wouldn't use the word accurate and it is to the best of my knowledge and best of my ability and truthful as I could be.'*[331]

256. DCI Paul Blaker then asked Jonathan Rees if, when he arrived at the Beulah Spa public house, Paul Goodridge had apologised for having missed the earlier meeting at the Golden Lion public house. Jonathan Rees replied, '*I can't recall that evening*', although he did say that he remembered that Jean Wisden had been involved in an accident that day and he maintained his previous assertions that the meeting with Paul Goodridge was pre-arranged.[332]

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327 Record of interview with Jonathan Rees, MPS000716001, p50, 03 April 1987.
328 Record of interview with Jonathan Rees, MPS000716001, pp61-62, 03 April 1987.
329 Record of interview with Jonathan Rees, MPS000716001, pp65-66, 03 April 1987.
330 Record of interview with Jonathan Rees, MPS000716001, pp66-72, 03 April 1987.
331 Record of interview with Jonathan Rees, MPS026845001, p7, 01 February 1989,
332 Record of interview with William Jonathan Rees, 01 February 1989, MPS026845001, pp 14 and 16-17.

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257. He was then asked about the several telephone calls that occurred after 9.17 pm and said that he had telephoned Paul Goodridge simply because he had wanted to have a beer, but that when he then spoke with his wife she had been unhappy about it and so he called Paul Goodridge back to cancel but that Paul Goodridge said he was already on his way. DCI Paul Blaker asked him if it was his alibi that he could not have killed Daniel Morgan because he had left him about 9.00 pm, alive in the Golden Lion public house, and then had had the telephone conversations with Paul Goodridge, Jean Wisden and his wife and the meeting with Paul Goodridge in the Beulah Spa public house. Jonathan Rees replied that it was and shortly afterwards the interview was terminated.[333]

258. The following day DCI Paul Blaker interviewed Jonathan Rees again and at the outset informed him that overnight his wife had been seen by detectives and that she had said that on the evening of 10 March 1987 she had only two telephone conversations with him and that both had been calls to the house from Jonathan Rees. Therefore, the 12-minute incoming call timed at 9.04 pm could not have been from her. He was asked if he would like to comment on this but replied that he was not able to so long afterwards but at the time that he made the original statements he believed that he was accurately recounting events.[334]

259. It was pointed out to him that both his wife and Paul Goodridge had contradicted his account of their having made calls to his in-car mobile telephone on the night, to which he replied, '*Well so be it, what can I say? That's their recollection…*'[335] It was then put to him that two witnesses, one of whom was named as Peter Newby, had made statements claiming that Paul Goodridge had not been present on the morning of 10 March 1987 when Jonathan Rees claimed that the meeting in the Golden Lion public house had been arranged. He responded that his recollection was that Paul Goodridge had been there.[336]

260. Later that day Jonathan Rees was interviewed again by DCS Alan Wheeler and he was asked to account for his movements on the night. It was put to him once again that the 9.04 pm telephone call was not from his wife, but he continued to maintain that it was. He was asked about the 9.17 pm call to Paul Goodridge's home but stated that he could not remember speaking with Jean Wisden, only with Paul Goodridge. Further questions were put highlighting the discrepancies in his various accounts, but in summary he maintained either that his answers at the time had been made to the best of his recollection or that he no longer remembered after so long.[337]

261. DCS Alan Wheeler then said to Jonathan Rees:

> *Q:* *'[T]he reason I'm taking you very slowly and carefully through this is because it is absolutely crucial to you.'*
>
> *A:* *'I think what it does show Mr WHEELER is that I'm in my car and Paul GOODRIDGE is at home or he's mobile or whatever but thing we're not is out murdering Daniel MORGAN.'*[338]

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333 Record of interview with Jonathan Rees, MPS026845001, pp20-24, 01 February 1989.
334 Record of interview with Jonathan Rees, MPS021812001, pp1-6, 02 February 1989.
335 Record of interview with Jonathan Rees, MPS021812001, p6, 02 February 1989.
336 Record of interview with Jonathan Rees, MPS021812001, pp8-11, 02 February 1989.
337 Record of interview with Jonathan Rees, MPS027005001, pp15-20, 02 February 1989,
338 Record of interview with Jonathan Rees, MPS027005001, p20, 02 February 1989.

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262. During this interview, Jonathan Rees confirmed that when he had left Daniel Morgan in the Golden Lion public house on the night of his murder, Daniel was writing on a piece of paper with a Parker ballpoint pen. DCS Alan Wheeler put it to him that neither the Parker pen nor the paper had been found on Daniel Morgan's body[339] and that it was significant that Jonathan Rees had mentioned that Daniel Morgan was writing with a pen and paper when he left him, and yet within minutes he was murdered but no pen or paper was found on his body (in fact several pieces of paper had been found on the body). Jonathan Rees replied, '[s]o *be it, again I say neither was his wallet or his watch'.* DCS Wheeler stated that his wallet was found, but his watch was missing and that was the only thing that was missing as far as they knew. Jonathan Rees said that he believed that the pen and watch may have been lost in the violent struggle before Daniel Morgan died.[340]

263. DCS Alan Wheeler explained that he had discounted the suggestion that there was a violent struggle because the attack took place alongside Daniel Morgan's car. He explained that Daniel Morgan would have been wary of someone who was within arm's length if he did not know them and said that he had been hit three times [sic] over the head with an axe and the first blow came from within close range and there were no defence wounds. For the perpetrator to have done this, DCS Wheeler believed he must have been at arm's length.[341] He went on:

> *'He hasn't put his hands up, he hasn't fended any blows off with his arms, he hasn't turned his head, ducked out of the way, because the three blows to his head are on the top of his head and therefore he has been taken completely by surprise. If it was an unknown assailant then I would submit that to get close to him, sufficiently close to him to get to arm's length, then he would have had a second, a fraction of a second, I don't know what time it would have been, but certainly time to have turned, deflected something, but instead of that the wound to the head, the three wounds to the head were straight across the top of the head without any warning to him whatsoever.'*[342]

264. Jonathan Rees rejected DCS Alan Wheeler's analysis, stating that, overall, he did not think that Daniel Morgan knew his murderer.[343]

265. Paul Goodridge and Jean Wisden were both interviewed under caution while in the custody of the Hampshire team, but both declined to answer any questions.[344]

339 Record of interview with Jonathan Rees, MPS027005001, p8, 02 February 1989.
340 Record of interview with Jonathan Rees, MPS027005001, pp9-10, 02 February 1989.
341 Record of interview with Jonathan Rees, MPS027005001, pp10-14, 02 February 1989.
342 Record of interview with Jonathan Rees, MPS027005001, p11, 02 February 1989.
343 Record of interview with Jonathan Rees, MPS027005001, pp12-14, 02 February 1989.
344 Record of interview with Paul Goodridge, MPS026835001, 31 January 1989.
Record of interview with Paul Goodridge, MPS026836001, 01 February 1989.
Record of interview with Paul Goodridge, MPS026837001, 02 February 1989.
Record of interview with Paul Goodridge, MPS026838001, 02 February 1989.
Record of interview with Paul Goodridge, MPS026839001, 02 February 1989.
Record of interview with Jean Wisden, MPS026854001, 01 February 1989.
Record of interview with Jean Wisden, MPS026855001, 02 February 1989.
Record of interview with Jean Wisden, MPS026856001, 02 February 1989.

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266. It was a justified and reasonable step to arrest Jonathan Rees, Paul Goodridge and Jean Wisden on the basis of their inconsistent accounts. It is acknowledged that DCS Alan Wheeler enquired extensively into the alibis of Jonathan Rees and Paul Goodridge and the supporting account of Jean Wisden. A thorough and comprehensive analysis was carried out based on statements from witnesses who could corroborate or otherwise their movements throughout Tuesday 10 March 1987, and on the examination of itemised billing and telephone records, to the very limited extent that these were available in 1987.

267. On 02 February 1989, DCS Alan Wheeler made the decision to charge Jonathan Rees and Paul Goodridge with the murder of Daniel Morgan and to charge Jean Wisden with attempting to pervert the course of justice on the grounds that she had lied in providing evidence to support the alibis of Jonathan Rees and Paul Goodridge. The basis of his case was, in essence, that Jonathan Rees's and Paul Goodridge's alibis did not stand up. In his report to the Director of Public Prosecutions he explained his reasoning for this conclusion, which can be summarised as follows:

i. Jonathan Rees had lied about the incoming calls to his mobile telephone at 9.04 pm and 9.21 pm. He claimed that these were from his wife and from Paul Goodridge, but both had denied making them. DCS Alan Wheeler speculated that Jonathan Rees had left the Golden Lion public house about 9.00 pm in order to go to his car, switch on his telephone and then call it from a nearby public telephone kiosk. He returned 12 minutes later to disconnect the call and then telephoned Jean Wisden. This was sufficient time for him to have gone into the car park of the Golden Lion to murder Daniel Morgan and was also consistent with a statement made by one of the customers in the public house that night. The witness was believed to have been sitting near to Daniel Morgan and Jonathan Rees and had described Jonathan Rees leaving his seat and returning a short time later wearing his white raincoat. DCS Wheeler further speculated that this was the moment that Jonathan Rees had gone to switch on the telephone.[345,346,347]

ii. Paul Goodridge's claim that Jonathan Rees telephoned his home at a particular point in the film that he and Jean Wisden were watching on television could not be true if Jonathan Rees's claim was accurate that he spoke to Paul Goodridge at 9.23 pm when Paul Goodridge was in his car driving to the Beulah Spa. Enquiries had been made with Channel 4 and the particular scene concerned had been broadcast between 9.28 pm and 13 seconds and 9.30 pm and 49 seconds. Therefore, for Paul Goodridge to have been in his car at 9.23 pm meant that he was in fact driving home rather than driving to the Beulah Spa from his home.[348]

iii. Therefore, Jean Wisden was also lying about Paul Goodridge's movements.[349]

345 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, pp64-65, para 166, 23 February 1989.
346 Witness statement of person at the bar of the Golden Lion public house, MPS010238001, 12 March 1987.
347 The Panel notes here that Jonathan Rees would have had to feed a lot of coins into the telephone box to ensure that the call remained connected for the time it took to murder Daniel Morgan and that he would also have had to rely on no one else coming along to make a call and replacing the handset on finding it 'off the hook'.
348 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, pp47-48, para 112, 23 February 1989.
349 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, pp47-48, para 112, 23 February 1989.

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268. Jonathan Rees's account of the telephone conversation with his wife commencing at 9.04 pm, which lasted between 11 minutes and 31 seconds and 12 minutes, is not credible, particularly since she later denied having telephoned him. The theory that Jonathan Rees had, during that period, either murdered Daniel Morgan or been present in the car park of the Golden Lion public house when the murder took place, is plausible but unsupported by evidence. If Jonathan Rees was lying about the call, it does not automatically follow that he murdered Daniel Morgan. Other scenarios that he might have wished to conceal from the police might account for this suspected lie.

269. Jean Wisden had told the Morgan One Investigation that during the call with Jonathan Rees, he had asked her '*how* [her] *bottom was'* but that this was not a reference to her fall at work but something that he had also said to her in the past.[350] DCS Alan Wheeler concluded that the comment was in fact about the workplace accident and speculated as to how Jonathan Rees could have known, the unstated implication being that there had been prior contact with Paul Goodridge and/or Jean Wisden to which none of them would admit.[351] There is no doubt that there were a number of obvious inconsistencies and inaccuracies in what the three suspects had said. DCS Alan Wheeler said in his interim report to the Police Complaints Authority that '[t]*he accounts/stories/alibis/ given by REES, GOODRIDGE and WISDEN cannot be true. When irrefutable facts are injected into the alibis then the alibis diminish to such a degree that they do not stand up*.'[352]

270. After 10 March 1987, contact between Jonathan Rees, Paul Goodridge and Jean Wisden had '*cooled dramatically*'. Prior to the murder Jonathan Rees had telephoned Paul Goodridge's and Jean Wisden's number 24 times, but between 10 March 1987 and February 1989 he had done so only twice.[353] DCS Alan Wheeler did not state over what period before the murder Jonathan Rees had made these calls.

4.2 The relationship between Jonathan Rees and Margaret Harrison

271. The sexual relationships which both Daniel Morgan and Jonathan Rees had with Margaret Harrison formed a major part of DCS Alan Wheeler's enquiries.[354,355]

272. The Morgan One Investigation had established that Daniel Morgan had been in a sexual relationship with Margaret Harrison (see Chapter 1, The Morgan One Investigation). There was a strong suspicion, but no more, that Jonathan Rees was also in a sexual relationship with her at the time of Daniel Morgan's murder.[356] Margaret Harrison and Jonathan Rees had consistently denied being in such a relationship during the Morgan One Investigation and at the Inquest

350 Witness statement of Jean Wisden, MPS021798001, p4, 25 March 1987.
351 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, p56, para 138, 23 February 1989.
352 Interim Report of DCS Alan Wheeler to the Police Complaints Authority, MPS015458001, p8, para 24, 08 December 1988.
353 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, p58, para 145, 23 February 1989.
354 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, pp17-18, paras 28-29, 23 February 1989.
355 Witness statement of former DCS Alan Wheeler, HAM000315001, pp16-18, paras 43(s)-43(w), 24 July 1996.
356 Report of D/Supt Douglas Campbell, MPS037174001, pp26-27, para 116(d) and pp27-28, paras 117-123, 22 January 1988.

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into Daniel Morgan's death.[357,358,359] The Hampshire/Police Complaints Authority Investigation ultimately confirmed that there had been a sexual relationship,[360] although there was no conclusive proof that it had been in existence at the time of the murder.

273. Between November 1988 and April 1989, Margaret Harrison was interviewed six times by Hampshire officers.[361,362,363]

274. On 23 November 1988, during a four-hour interview, she talked about her affair with Daniel Morgan but continued to deny any sexual relationship with Jonathan Rees. She said her relationship with him was platonic and explained the large number of telephone calls to her office from him before the murder – some 60 of them had been recorded[364] – by speculating that some of them might have been for a female colleague with whom he was also friendly and that others were business calls. She stated that she had seen Jonathan Rees on 22 November 1988 (the day before her interview) but had not told him that she was due to meet with the detectives. She agreed that it would be unwise to tell him about her meeting. The officers concluded that she was lying to them about the affair.[365]

275. On 30 November 1988, Margaret Harrison was questioned further about her friendship with Jonathan Rees. She continued to deny any affair but asked the interviewing officers if she was allowed to see him, as she said that she had previously been advised by the Metropolitan Police to stay away from him. She asserted that she had not had any contact with him since the day before her previous interview. The Hampshire officers subsequently reported that they believed this to be untrue, as they had seen her car and Jonathan Rees's car parked in close proximity two days earlier. They did not confront her with this but merely repeated that she should not tell him that she had been talking to them.[366,367]

276. On 01 December 1988, DI Trevor Witt and DS Dennis Stephens saw Jonathan Rees and Margaret Harrison get into her car, where they talked for about ten minutes, kissed and embraced.[368]

277. On 04 January 1989, Margaret Harrison was interviewed again.[369] She clarified some points from her first witness statement made to the police in 1987. She also said that she had met Jonathan Rees three or four times socially, once being when she was with a friend at a luncheon club meeting after she had last met with Hampshire officers. She had told Jonathan Rees that she had been seen by Hampshire officers. She maintained that her relationship with him was one of friendship.[370] Police had suspected that she had been meeting Jonathan Rees after her previous interviews and so following the interview they watched Jonathan Rees's car,

357 Record of interview with Jonathan Rees, MPS000716001, pp73-74, 03 April 1987.
358 Transcript of Inquest into the death of Daniel Morgan, INT000008001, p45, 25 April 1988.
359 Transcript of Inquest into the death of Daniel Morgan, INT000002001, pp17-18, 12 April 1988.
360 Witness statement of Margaret Harrison, MPS010233001, 01 February 1989.
361 Report of DI Rex Carpenter, MPS022402001, 23 November 1988.
362 Report of DI Rex Carpenter, MPS022400001, 30 November 1988.
363 Report of a Detective Sergeant MPS022549001, 04 January 1989.
Witness statement of Margaret Harrison, MPS010233001, 01 February 1989.
Witness statement of Margaret Harrison, MPS010236001, 12 April 1989.
Witness statement of Margaret Harrison, MPS010237001, 17 April 1989.
364 Print out of calls to and from the car telephone of Jonathan Rees, MPS000960001, 17 March 1987.
365 Report of DI Rex Carpenter, MPS022402001, 23 November 1988.
366 Report of DI Rex Carpenter, MPS022401001, 28 November 1988
367 Report of DI Rex Carpenter, MPS022400001, 30 November 1988.
368 Report of a Detective Sergeant, MPS022356001, 02 December 1988.
369 Record of interview of Margaret Harrison at the Hollybush public house, MPS023257001, p1, 09 January 1989.
370 Report of a Detective Sergeant, MPS022542001, 09 January 1989.

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which was parked in Thornton Heath, to see if she would encounter him. They saw her drive in her car, backwards and forwards around 15 minutes. She was then seen to make a call from a telephone kiosk, but officers did not see Jonathan Rees.[371]

278. On 31 January 1989, Jonathan Rees was arrested by officers from the Hampshire team on suspicion of the murder of Daniel Morgan[372] and was questioned for three days at Fareham Police Station. It was put to him that he had been having an affair with Margaret Harrison, and that his jealousy was a motive for Daniel Morgan's killing. He did not answer the question directly but replied that '*the majority of our murders in this country are domestic for whatever reason*'.[373] He was subsequently questioned by DCI Paul Blaker:

DCI Blaker:	'[A]*t the time* [of Daniel Morgan's murder]*, were you having an affair with Margaret HARRISON?'*
Jonathan Rees:	*'I have an answer for that question I am not willing to answer at this present time.'*
DCI Blaker:	*'Are you having an affair with her now?'*
Jonathan Rees:	*'Again, I have an answer for that question I am not willing to answer at the present time.'*[374]

279. On 01 February 1989, Margaret Harrison was interviewed a fourth time and stated that she had not been in a sexual relationship with Jonathan Rees before Daniel Morgan's murder but that she had been in one since the summer of 1987. She admitted that she had lied about this when she gave evidence on oath at the Inquest in April 1988. She also admitted telling Jonathan Rees about her first meeting with DI Rex Carpenter. From then on, she had told Jonathan Rees about all subsequent meetings beforehand and reported back to him afterwards, despite her previous assertions that she had not done so.[375]

280. On 02 February 1989, Jonathan Rees was interviewed again. The exchange between DCI Paul Blaker and Jonathan Rees was as follows:

DCI Blaker:	*'Margaret HARRISON was interviewed yesterday in the presence of her solicitor. She made a witness statement and in that she significantly differs in relationship to the evidence she gave at the Inquest. Particularly her relationship with you. You have been having a sexual affair with Margaret HARRISON. Is that right*[?]'
Jonathan Rees:	*'I have an answer for that question but I am not going to answer at this present time.'*
DCI Blaker:	*'According to Margaret HARRISON you last had sex with her in her home shortly before your arrest on Tuesday morning.'*
Jonathan Rees:	*'I have an answer for that question which I am not going to answer at this present time.'*

371 Report of a Detective Sergeant, MPS022549001, 09 January 1989.
372 Custody Record in respect of William Jonathan Rees, HAM000307001, p2, 31 January 1989.
373 Record of interview with Jonathan Rees, MPS024932001, p15, 01 February 1989.
374 Record of interview with Jonathan Rees, MPS024932001, p18, 01 February 1989.
375 Witness statement of Margaret Harrison, MPS010233001, 01 February 1989.

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DCI Blaker: *'Are you denying that you have had and are having a sexual relationship?'*

Jonathan Rees: *'I have answers for those questions which I am not going to answer at the present time.'*

DCI Blaker: *'Is that on legal advice*[?]*'*

Jonathan Rees: *'It is*[.]*'*

DCI Blaker: *'On legal advice you sought prior to today*[?]*'*

Jonathan Rees: *'Tis, I would to* [sic] *say to you that I did not murder Daniel MORGAN*[.] *I was not involved in the murder of Daniel MORGAN*[.] *I did not know who murdered Daniel MORGAN*[.] *I certainly did not murder Daniel MORGAN and one of the many motives that people keep producing Margaret*[,] *Margaret HARRISON being another one is not and would not be a motive for me*[.]*'*

DCI Blaker: *'And you told me a few moments ago that if MORGAN was out with Margaret that wouldn't mean anything to you.'*

Jonathan Rees: *'I'm sorry nothing, nothing at all.'*[376]

281. Later the same day DCS Alan Wheeler asked Jonathan Rees if he admitted or denied having an affair with Margaret Harrison. He replied, '*I'm not going to at this time discuss it*'. It was put to him that knowing that Daniel Morgan had been having a drink with her on the evening of 10 March 1987 had upset him, to which he replied, '*that is absolute nonsense, absolute nonsense*'. He was asked if he was in love with Margaret Harrison or besotted with her, which he denied, claiming that she was a 44-year-old woman and he had a '*beautiful 30 year old wife indoors*'. It was then put to him that he had been associating with Margaret Harrison until shortly before his arrest to which he replied, '*I still see Margaret HARRISON*' but went on to assert that he hardly knew her before Daniel Morgan's death and that if Daniel Morgan had been in a sexual relationship with her it would not have bothered him at all.[377]

282. On 16 September 1988 it had been decided to interview members of staff at the estate agents where Margaret Harrison worked, to see whether they knew about her having an affair with either Daniel Morgan or Jonathan Rees.[378,379] Despite the apparent importance of this line of enquiry, employees were not seen until March and April 1989, after Jonathan Rees had been arrested and charged with murder, and after Margaret Harrison had been interviewed on four occasions.

283. Two of the staff were not able to provide any useful information beyond suspicion and rumour.[380,381] However, in March 1989 a statement was obtained from the estate agents' former bookkeeper. He said that one evening, over the Christmas/New Year period 1986/87, he went to the company's Norbury office and found the manager's office locked, but he recognised

376 Record of interview with Jonathan Rees, MPS035200001, pp18-19, 02 February 1989.
377 Record of interview with Jonathan Rees, MPS024724001, pp5-7, 02 February 1989.
378 Action A115, *'Obt details of staff employed Furmston's Est Agents'*, MPS031299001, 16 September 1988.
379 Action A116, *'Est. if staff at Furmston's knew of HARRISON's affair either with Daniel MORGAN or Jon* [sic] *REES'*, MPS031300001, 16 September 1988.
380 Witness statement, MPS011046001, 13 March 1989.
381 Witness statement of an estate agent, MPS011047001, 14 March 1989.

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Margaret Harrison's fur coat and grey high heel shoes near a desk. He began work in the main office, and after a few minutes Margaret Harrison emerged from the manager's office looking flushed and told him that she had been having a quiet drink with a solicitor. She then put on her shoes and coat and went to unlock the front door, and a man whom he did not recognise came out of the manager's office and left without speaking. Margaret Harrison left a few moments later.[382]

284. On 12 April 1989, members of the Hampshire/Police Complaints Authority Investigation interviewed Margaret Harrison for a fifth time, in the presence of her solicitor, and asked about the incident. She admitted that the man had been Jonathan Rees but denied that she had been having sexual intercourse with him and maintained that they had just been having a drink.[383]

285. On 02 May 1989, the Hampshire/Police Complaints Authority Investigation took a witness statement from DC Duncan Hanrahan, who knew both Daniel Morgan and Jonathan Rees, had mixed with them socially, and had been the Criminal Investigation Department (CID) officer who had initially dealt with the allegation of robbery that Jonathan Rees had made in connection with the Belmont Car Auctions takings (see Chapter 1, The Morgan One Investigation). In his statement DC Hanrahan said:

> *'During my meetings with REES I learned that he was having an affair with Margaret HARRISON. This was definitely before the murder of Daniel MORGAN in March 1987. On one occasion, REES said that MORGAN had been bragging about "shagging" Margaret HARRISON (REES' word) on a particular evening which REES said was impossible because he'd been having sex with her, himself, that evening. Margaret HARRISON came up in conversation quite regularly and REES spoke of her in affectionate terms. I am quite sure in my own mind that REES was having a relationship with her, and that it wasn't a case of him bragging to compete with MORGAN.'*[384]

286. In his report to the Director of Public Prosecutions, DCS Alan Wheeler stated, in relation to Jonathan Rees's knowledge that Daniel Morgan was in the company of Margaret Harrison early in the evening of 10 March 1987, '[i]*t is submitted REES would not have been happy at the thought of HARRISON being with MORGAN. REES was besotted with HARRISON and would have been extremely jealous and emotionally upset*.'[385] DCI Paul Blaker later stated, '*HARRISON was, in my view, and in the view of the investigating team, of prime importance since her sexual favours featured as a motive, amongst others, for the killing*'.[386]

287. DCS Alan Wheeler also pointed out that Margaret Harrison had consistently denied her relationship with Jonathan Rees, both to the Metropolitan Police and to the Coroner. He explained that she had admitted to the Hampshire/Police Complaints Authority Investigation that she had been in a relationship with Jonathan Rees only since the murder occurred.[387] He went on, '[e]*vidence has been obtained that REES was and is, besotted with HARRISON and clearly the boasting by MORGAN of his sexual conquests must have infuriated REES to the point of hatred*'. Nowhere in the report did he mention Margaret Harrison's admission of lying in the Coroner's Court, although her statement of 01 February 1989 was appended to the report.

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382 Witness statement, MPS011043001, 08 March 1989.
383 Witness statement of Margaret Harrison, MPS010236001, pp2-3, 12 April 1989.
384 Witness statement of DC Duncan Hanrahan, MPS010357001, 02 May 1989.
385 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, pp27-28, para 53, 23 February 1989.
386 Witness statement of Supt Paul Blaker, HAM000314001, p16, para 68, 25 July 1996.
387 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, pp17-18, paras 28-29, 23 February 1989.

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288. The report to the Director of Public Prosecutions, dated 23 February 1989, was submitted before the Hampshire/Police Complaints Authority Investigation had obtained the further admission from Margaret Harrison that Jonathan Rees had been the man discovered in the estate agent manager's office with her at Christmas 1986, and before it had obtained the statement from DC Duncan Hanrahan referred to above. However, DCS Alan Wheeler's final report to the Police Complaints Authority was submitted after both these events.

289. Considerable effort was put into attempts to establish whether there had been an affair between Margaret Harrison and Jonathan Rees, either before or since Daniel Morgan's murder. This was a legitimate and important line of enquiry. Police also properly considered the possibility that Margaret Harrison's husband had murdered Daniel Morgan out of jealousy.

290. Investigative actions relating to Margaret Harrison could have been implemented more effectively. After the first interview with her in November 1988, investigative effort would have been better directed at interviewing her colleagues and DC Duncan Hanrahan and obtaining the evidence that led to her admitting to the affair and to admitting that the man in the office with her at Christmas 1986 had been Jonathan Rees, before proceeding with her interviews and those of Jonathan Rees.

Such an investigative strategy might have resulted in earlier admissions by her. There would then have been evidence to put to Jonathan Rees that he had lied to both the Morgan One Investigation and the Coroner, and that the sexual relationship with Margaret Harrison had started before Daniel Morgan's murder. The questioning of Jonathan Rees when he was in custody was carried out with only part of the evidence that was later available and thus its impact was diminished. By the time the remainder of the evidence relating to the relationship had been gathered, it was too late to do anything with it.

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291. It is concerning that Margaret Harrison, knowing that her relationship with Jonathan Rees was considered by the police as an important issue for those investigating the murder of Daniel Morgan, persistently lied to the police over the course of two investigations and, despite being told not to do so, reported her dealings with the Hampshire/Police Complaints Authority Investigation to Jonathan Rees, whom it is not unreasonable to assume she must have known or realised was a suspect in the investigation. In addition, she lied on oath when questioned about the matter in the Coroner's Court. These circumstances could amount to an attempt to pervert the course of justice. Had Margaret Harrison been arrested for this offence, and/or for the perjury she admitted to having committed at the Inquest in April 1988, this might have resulted in her making admissions and could have altered the outcome of the investigation. No action was taken against Margaret Harrison, nor does it seem from the papers available to the Panel that it was contemplated by DCS Alan Wheeler and the Hampshire Constabulary at the time of the investigation.

292. Scarce resources were devoted to repeatedly interviewing Margaret Harrison and to carrying out time-consuming and resource-intensive observations on her.

An obvious consequence of this was that other investigative steps were not completed in a timely fashion, or at all. The outcome of the enquiries, in which significant evidence contradicted her previous claims, was received too late to influence the investigation, given that by the time the apparent facts were known, interviews with Jonathan Rees had taken place some months previously. The momentum of the investigation had been lost and the Director of Public Prosecutions was about to discontinue the proceedings.

293. Neither Margaret Harrison's alleged criminal behaviour, nor Jonathan Rees's evidence to the Coroner, in which he also denied on oath having a sexual relationship with her, were explicitly drawn to the attention of the Coroner, the Metropolitan Police, the Director of Public Prosecutions or the Police Complaints Authority. DCS Alan Wheeler should have referred evidence of alleged perjury by Margaret Harrison and Jonathan Rees for consideration of prosecution. No reason has been found in the papers disclosed to the Panel for DCS Wheeler's failure to deal with this matter.

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5 Interview with DC Duncan Hanrahan

294. On 10 August 1988, a decision was made to speak to DC Duncan Hanrahan about his interactions with Jonathan Rees, and about his role during the Morgan One Investigation.[388] In January 1989, it was also decided that he should be interviewed about the fact that Jonathan Rees had allegedly tried to contact him after DC Hanrahan was interviewed by D/Supt Campbell in June 1987.[389]

295. DCI Paul Blaker and DCS Alan Wheeler met DC Duncan Hanrahan on 12 January 1989. There is no explanation as to why there was such a long delay between the decision in August and the meeting in January, although DC Hanrahan had been off work sick. DCI Blaker submitted a report[390] which covered a number of issues dealt with in the course of the meeting, including DC Hanrahan's assertion that Jonathan Rees had '*appeared to be up to date with the* [Morgan One] *enquiry and knew too much generally.* [DC Hanrahan] *did not know how he acquired so much information but the implications were obvious*'.[391]

296. DC Duncan Hanrahan was some time later sent to prison for serious criminal offences[392] and therefore any account given by him must be regarded with caution. However, this does not preclude the possibility that he was telling the truth about Margaret Harrison's affair with Jonathan Rees and about Jonathan Rees's apparent knowledge of matters relating to the Morgan One Investigation. The '*obvious*' implications were that Jonathan Rees used his links to serving police officers to acquire information about the Morgan One Investigation. This should have been a line of enquiry for the Hampshire/Police Complaints Authority Investigation.

6 Information from Michael Goodridge, solicitor

297. On 28 September 1988, an action was raised to interview Michael Goodridge, Jonathan Rees's solicitor at the time of Daniel Morgan's murder, and for whom Southern Investigations and Jonathan Rees used to work from time to time. The intention was to obtain a statement from him about his knowledge of Jonathan Rees's movements on 10 March 1987, and other issues.[393] The following day, the action was endorsed to the effect that the interview should only occur with the approval of DCS Alan Wheeler. Nothing happened until 08 February 1989, more than four months later, when a duplicate action was raised on the instructions of DCI Paul Blaker, directing that Michael Goodridge should be interviewed by DCS Wheeler.[394]

298. On 03 October 1988, a linked action was raised directing that clarification should be sought about certain issues arising from Michael Goodridge's evidence to the Inquest into Daniel Morgan's death.[395]

388 Action A30, *'Int DC HANRAHAN re his involvement with REES'*, MPS031068001, 10 August 19.
389 Action A530, *'T/ST DC HANRAHAN re meet with DS LEIGHTON/REES 040687'*, MPS032516001, 09 January 1989.
390 Report of DCI Paul Blaker, MPS022317001, 16 January 1989.
391 Report of DCI Paul Blaker, MPS022317001, p4, 16 January 1989.
392 Metropolitan Police Authority Report, HOM000111001, 19 October 2000.
393 Action A181, *'T/ST Michael GOODRIDGE about REES' actions 100387'*, MPS031458001, 28 September 1988.
394 Action A595, *'Interview Michael GOODRIDGE'*, MPS032403001, 08 February 1989.
395 Action A201, *'Clarify points raised in R12K when int M GOODRIDGE N32'*, MPS031845001, 03 October 1988.

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299. A statement was finally taken on 18 April 1989, more than six months later.[396]

300. During the course of the Morgan One Investigation, Michael Goodridge had made a statement that he had been in a public house with Jonathan Rees on Tuesday 10 March 1987, before 7.00 pm. Michael Goodridge had described the clothing which Jonathan Rees was wearing at that time, including '*a white raincoat that he often wears*'.[397] DS Graham Frost also referred to a similar coat and Jonathan Rees himself had admitted that he was wearing it.[398,399]

301. Following Jonathan Rees's arrest and subsequent release from custody by the Morgan One Investigation, belated efforts had been made to obtain forensic samples from him. On 07 March 1988, fibre samples were obtained from his car, but it was reported that '*REES refused to submit the raincoat he wore on the night of the murder for forensic examination. This coat has been lodged with his solicitor Michael GOODRIDGE*.'[400]

302. On 04 May 1988, Michael Goodridge had told DI Allan Jones that he did not have the raincoat but that he would make enquiries and report back to DI Jones.[401] There is no record in the papers disclosed to the Panel that he did so, nor is there any indication that DI Jones or anyone else pursued the matter later.

303. The record of the exchange between Michael Goodridge and DI Allan Jones was transferred to the Hampshire/Police Complaints Authority investigation. In October 1988, Hampshire officers obtained a written statement from a member of the Catford Crime Squad, who said:

> *'Shortly after Daniel MORGAN's death, close to the time that DS FILLERY took a statement from John* [sic] *REES about the incident, DS FILLERY made a comment about the investigation of the murder. We were in the Catford Crime Squad office at the time, there were other officers present but I cannot recall whom. DS FILLERY said that the investigation was a farce and that he had told John* [sic] *REES to retain his clothing because it had still not been examined correctly.'*[402]

304. Following his arrest on 31 January 1989 for the murder of Daniel Morgan, Jonathan Rees's home was searched by DCS Alan Wheeler's officers and a number of items of clothing were seized. The white raincoat was not found. However, Jonathan Rees was not questioned about the raincoat during his interviews with DCS Wheeler and DCI Paul Blaker while he was in custody.

305. In his statement to Hampshire officers of 18 April 1989, Michael Goodridge repeated his earlier assertion that he had not been handed the raincoat: '*At no time has John* [sic] *REES ever given me any of his clothing particularly in respect of the clothes he wore on the night Danny MORGAN was murdered*.'[403] There is no evidence that Michael Goodridge was or ever had been in possession of the raincoat.

396 Witness statement of Michael Goodridge, MPS010254001, 18 April 1989.
397 Witness statement of Michael Goodridge, MPS010250001, p4, 14 March 1987.
398 Witness statement of DS Graham Frost, MPS010726001B, 19 August 1987.
399 Witness statement of Jonathan Rees, MPS026795001, p10, 11 March 1987.
400 Morgan One Investigation action A1623, *'Arrange for REES to bring his car to a police station for SOCO examination, obtain fibre samples from seats front and rear floor mats and boot mat'*, MPS014686001, 28 April 1988.
401 Morgan One Investigation telephone message from Michael Goodridge to DI Allan Jones, MPS012927001, 04 May 1988.
402 Witness statement of a Police Constable, MPS018202001, 17 October 1988.
403 Witness statement of Michael Goodridge, MPS010254001, p3, 18 April 1989.

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306. Seizing the clothing worn by a suspect at the time of a murder is a basic task of any criminal investigation and ought to have been carried out in 1987. The Hampshire/Police Complaints Authority Investigation was correct to pursue the matter in its dealings with Michael Goodridge. However, Jonathan Rees should have been questioned about the missing raincoat after his arrest on 31 January 1989.

DCS Alan Wheeler had reason to be cautious in approaching Michael Goodridge, who had represented Jonathan Rees following his arrest by the Morgan One Investigation in April 1987 and therefore had a professional solicitor-client relationship with Jonathan Rees.[404,405] In addition to this, Jonathan Rees had worked for Michael Goodridge, attending interviews of Michael Goodridge's clients in police stations. Michael Goodridge had also been, at the same time, a close social acquaintance, and had been with Jonathan Rees in the Victory public house on the night of Daniel Morgan's murder and left with Jonathan Rees at 7.00 pm. However, the statement was not obtained until more than two months after Jonathan Rees had been charged by the Hampshire/Police Complaints Authority Investigation. The manner in which these actions were handled and the lengthy delay in completing them were unsatisfactory.

7 Matters relating to 1987 diaries recovered from Southern Investigations

307. Another potentially important line of enquiry during the Hampshire/Police Complaints Authority Investigation concerned an entry made in Jonathan Rees's desk diary for 10 March 1987,[406] which had been seized by the Morgan One Investigation from his desk following his arrest on 03 April 1987. The document, or at least part of it,[407] was photocopied and then the original was returned on 18 May 1987. There is no evidence to suggest that it was subject to any examination or scrutiny (see Chapter 1, The Morgan One Investigation).

308. The photocopied diary page for 10 March 1987 contained two entries. The first was towards the top of the page and read:

> *'office*
> [Named woman] *re divorce*
> *1.30.'*

309. The second was at the bottom of the page and read:

> *'D/M* [or possibly DJM] *WJR re £10,000'*[408]

404 Although by January 1989 there was information within the Hampshire/Police Complaints Authority Investigation suggesting that since the murder the solicitor had distanced himself from Jonathan Rees;
405 Report of DCI Paul Blaker, MPS022317001, p3, 16 January 1989.
406 Entry in Jonathan Rees' 1987 Letts desk diary, MPS011657001, p13, 10 March 1987.
407 Sixteen pages of Jonathan Rees's 1987 *Letts* desk diary, MPS011657001, 10 March 1987.
408 Witness statement of member of staff from Southern Investigations, MPS010448001, pp11-12, 08 February 1989.

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310. This second entry is thought by the Panel to have been a reference to Daniel Morgan and the sum of money that the Court had ordered to be deposited in connection with the Belmont Car Auctions legal action. Although it was reasonable to assume that the entry had been made by Jonathan Rees, that fact and the timing of the entry had not been determined.

311. The Hampshire/Police Complaints Authority Investigation was aware that the questions about the entry in Jonathan Rees's diary had not been addressed by the Morgan One Investigation and accordingly began to look into the issue themselves. A total of 26 investigative actions were proposed in respect of the entire document, two of which related to the entry in the diary. The first was to establish what the entry signified and the second was to establish when it had been made.[409] None of the 26 proposed investigative actions was completed.

312. On 31 January 1989, Southern Investigations' premises were searched again following Jonathan Rees's arrest by the Hampshire team, and a number of items, including several 1987 diaries, were seized. However, the diary referred to above was not found.

313. On 02 February 1989, Jonathan Rees was questioned again about the second entry in the diary, dated 10 March 1987. He was shown the photocopy of the page for 10 March 1987 and asked if he had written the entries. He stated that the entry at the top of the page was his '*scribble*', but denied that the entry at the bottom had been made by him and asserted that it was '*too neat*' to be his. He claimed that the writing was either Daniel Morgan's or that of a named male employee of Southern Investigations.[410]

314. Jonathan Rees was not asked during his interview about the whereabouts of the original diary but he should have been.

315. On 08 February 1989, a statement was taken from a member of staff working at Southern Investigations, who identified the handwriting as belonging to Jonathan Rees and said:

> *'I am well acquainted with John* [sic] *REES' handwriting having worked for him for 3 ½ years. I have seen him write practically every working day during that time and I am certain in my own mind that I can recognise his handwriting.'*

316. She said that the word '*office*' in the upper entry and all of the lower entry appeared to her to be in Jonathan Rees's handwriting. However, she acknowledged that she had been shown a photocopy and might have been more certain had she seen the original.[411]

409 Operation Drake document D382, *'Copy part desk diary 1987 WJ REES'*, MPS025719001, p14 (Statement Reader's instructions undated).
410 Record of interview with Jonathan Rees, MPS035200001, p12, 02 February 1989.
411 Witness statement of member of staff from Southern Investigations, MPS010448001, p12, 08 February 1989.

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317. Sixteen pages of the original diary had been photocopied by the Morgan One Investigation and these were available to the Hampshire/Police Complaints Authority Investigation. It is possible that the entry recording a meeting between Daniel Morgan and Jonathan Rees at 7.30 pm on 10 March 1987 had been in the diary when it was originally seized. Had this been the case, it would have partly corroborated Jonathan Rees's account that a meeting had been arranged for 7.30 pm on the night of the murder. It did not explain why he and Daniel Morgan met at the Golden Lion public house where Daniel Morgan was eventually killed.

Jonathan Rees had said that he did not make this entry in his dairy. A member of his staff had subsequently stated that the handwriting in the diary was Jonathan Rees's. Further enquiries should have been made to try and establish who wrote the entry and when it was written. However, the matter then appears to have been dropped without explanation.

The Hampshire/Police Complaints Authority Investigation could have pursued many inquiries into this diary and its contents, including seeking the original diary which had been returned to Southern Investigations in May 1987, and seeking handwriting analyses to establish whether the writer of the entry could be identified. The fact that only a photocopy was in the possession of the police would have made this somewhat difficult, although not impossible.

The actions which had been suggested by the Statement Reader were not adopted and others that could sensibly have been carried out were not taken.

318. On 16 March 1987, a personal pocket diary for 1987, apparently belonging to Daniel Morgan,[412] was recovered from Daniel Morgan's desk drawer at the offices of Southern Investigations. It contained entries for the month of March 1987 only, the rest of the document being completely blank. On 03 November 1988, DCS Alan Wheeler and DCI Paul Blaker met Iris Morgan at her home and showed her the diary, asking her whether she could identify it. She told the officers that she thought it appeared too new to be the one her husband had used constantly.[413] The Panel has viewed the diary, which is still in the possession of the Metropolitan Police, and it agrees with Iris Morgan that it appears to be in pristine condition. This raises the question as to whether or not this diary is a genuine document which had been used by Daniel Morgan, or was a document completed by someone else. If the latter, who made it and for what reason?

412 Exhibit KD/15, Morgan One Investigation document D500, *'List of exhibits'*, MPS011614001, p15, 16 March 1987.
413 Report of DCS Alan Wheeler, MPS022848001, 08 November 1988.

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RECOMMENDATION

319. The Panel has received advice from an independent forensic science expert it consulted, Dr Kathryn Mashiter, that useful work could still be carried out on this document. It therefore recommends that the Metropolitan Police considers the operational benefits of submitting the diary for a forensic handwriting analysis in order to ascertain whether the entries were made by Daniel Morgan, as well as ESDA[414] testing to ascertain if there is evidence of writing by someone other than Daniel Morgan.

8 Claim that Daniel Morgan was about to sell information concerning alleged police corruption to the press

320. The Hampshire/Police Complaints Authority Investigation enquired into the suggestion that Daniel Morgan had been offered the sum of £250,000 for a story on police corruption.[415]

321. Bryan Madagan, for whom Daniel Morgan had worked prior to establishing his own business, had made a statement in May 1987 in which he recalled a conversation with Daniel Morgan, before Christmas 1986:

> *'Daniel joined me and during conversation mentioned words to the effect that he was going to "hit the jackpot". I can't remember his actual words but the gist of the conversation was to the effect that he had been in contact with a Sunday newspaper who had offered him a sum in the region of £250,000 for an exposé on his business-client relationship with regard to how he obtained his information. He didn't elaborate on this but I drew the inference and I don't think unnaturally that he meant his dealings with police officers."*[416]

322. On 28 October 1988, the databases of both the Morgan One and the Hampshire/Police Complaints Authority investigations were searched to ascertain whether there was any record of officers contacting any Sunday newspapers enquiring about the sum of £250,000 alleged to have been offered to Daniel Morgan. The only documents discovered were Bryan Madagan's statement and some Morgan One Investigation actions.[417]

323. On the day he ceased working on the Morgan One Investigation, DC Kinley Davies had reported that information had been received which had suggested that Daniel Morgan was going to sell a story about police corruption to the media and had been offered a substantial amount of money. DC Davies had said that this information had not been acted upon, and that it might be worth meeting the source of this information given the connections between PC Derek Haslam, Jonathan Rees, the death by suicide of DC Alan 'Taffy' Holmes, who had died in July 1987, and ongoing investigation of a senior police officer for possible corruption.[418]

414 Electrostatic Detection Apparatus, a specialised piece of equipment used to reveal indentations or impressions in paper that are imperceptible to the naked eye.

415 Action A258, *'Research both data bases re enq at a Sunday newspaper'*, MPS031675001, 17 October 1988.

416 Witness statement of Bryan Madagan, MPS010404001, 22 May 1987.

417 Action A258, *'Research both data bases re enq at a Sunday newspaper'*, MPS031675001, 17 October 1988.

418 Morgan One Investigation message M423 from DC Kinley Davies, MPS012483001, 06 August 1987.

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324. The Hampshire/Police Complaints Authority Investigation became aware of the role of PC Derek Haslam in relation to the investigation of the senior police officer linked to DC Alan Holmes and on 29 November 1988, DCS Alan Wheeler and DCI Paul Blaker interviewed PC Haslam.[419] He recounted to the Hampshire officers his role as '*go-between'* on behalf of the Metropolitan Police Complaints Investigation Bureau with DC Holmes in the days before the death by suicide of DC Holmes. He also said that he thought that DC Holmes knew Daniel Morgan and provided the names of four people who *'maybe'* could support this assertion. DCS Wheeler recorded that '[t]*he story was a complex one and involved freemasonary* [sic] *and other matters, but did not appear to involve our enquiry*'. He also stated PC Haslam should be '*treated with caution*'.[420] Instructions were given to interview the four people named by PC Haslam, but this was not done and they were all marked '*No Further Action*' in July and October 1989, following the decision of the Director of Public Prosecutions to discontinue proceedings against Jonathan Rees and his co-defendants.[421,422,423,424]

325. Between 01 and 06 December 1988, PC Derek Haslam telephoned DCS Alan Wheeler and DCI Paul Blaker three times. He reported that:

i. On 30 November 1988, he had been telephoned by Jonathan Rees and had told him that Hampshire Constabulary were making enquiries. During the same telephone call PC Derek Haslam stated that the friendship between DC Alan Holmes and Daniel Morgan began in September 1985, and that people in a wine bar in West Norwood were aware of the association between the two men.[425]

ii. Sometime in 1986, DC Alan Holmes and Daniel Morgan had been drinking in a wine bar and their bill was sent to Southern Investigations. On receipt of this, Daniel Morgan was alleged to have written on it, '*HOLMES will pay next time*'. PC Derek Haslam also said that DC Holmes had been planning to introduce Daniel Morgan to freemasonry.[426]

iii. '*John* [sic] *REES told me that an action was raised for the MORGAN and HOLMES connection to be looked at, but Det. Supt. Campbell had the action taken from the system*.'[427]

326. There is no record as to whether PC Derek Haslam stated how he had acquired the final two pieces of information described above. No action was taken as a consequence of any of the calls.

327. A number of other witnesses were also asked about any link between Daniel Morgan and DC Alan Holmes:

i. On 26 September 1988, a neighbour of Daniel Morgan said that in August 1988 he had been told by Jonathan Rees that Daniel Morgan had discovered that a high-ranking police officer had been involved in a major armed robbery (the Brinks-Mat robbery)

419 Report of DCS Alan Wheeler, MPS022471001, 02 December 1988.
420 Report of DCS Alan Wheeler, MPS022471001, 02 December 1988.
421 Action A513, MPS032549001, 05 January 1989.
422 Action A514, MPS032548001, 05 January 1989.
423 Action A515, MPS032547001, 05 January 1989.
424 Actions A512 and A23, MPS032550001 05 January 1989, and MPS028003001, 15 June 1989.
425 Message from PC Derek Haslam to DCI Paul Blaker, MPS030421001, 01 December 1988.
426 Message from PC Derek Haslam to DCS Alan Wheeler, MPS030414001, 06 December 1988.
427 Message from PC Derek Haslam to DCS Alan Wheeler, MPS030413001, 06 December 1988.

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and had been able to buy a large, expensive house on his share of the proceeds.[428] The police were aware that this high-ranking police officer was connected to DC Alan Holmes.

ii. On 08 February 1989, the bookkeeper who began working in Southern Investigations a short time after Daniel Morgan's murder said that she had had several conversations with Jonathan Rees and that in one of them he told her that '*Daniel had obtained information from a Police Officer named "Taffy HOLMES"* [...] *that* [he] *was going to sell* [...] *to a newspaper*'.[429]

iii. In January 1988, an individual had given a statement to the Morgan One Investigation[430] alleging that he had been told by a former police officer that '*money had passed hands*' between DC Alan Holmes and Daniel Morgan, whom he did not know. In April 1989, this person was interviewed by DI Rex Carpenter, who reported that the individual had said the comments he had made in his statement to the Morgan One Investigation were based on gossip in the Croydon area and '*purely without foundation*'. He also pointed out that the man had previously been arrested by and had an intense dislike for DC Holmes.[431]

328. On 05 November 1988, Bryan Madagan was re-interviewed by the Hampshire Police Complaints Authority Investigation. The interviewing officers reported that he could not add to his earlier statement.[432]

329. Jonathan Rees was arrested in connection with the murder of Daniel Morgan on 31 January 1989.[433] While in custody at Farnham Police Station in February 1989, after one of his interviews, he asked to see DCS Alan Wheeler in private without his solicitor being present (just as he asked to see D/Supt Douglas Campbell when he was first arrested). During this brief meeting he told DCS Wheeler that Daniel Morgan had been to the magazine *Private Eye* to pass information that a senior police officer was linked to a high-profile robbery and that he was due to receive payment of £10,000 for this.[434]

330. As a result of this conversation, Hampshire officers interviewed the Managing Director of the *Private Eye* publishers who stated:

> *'I have been asked by the Police about any contact that Private Eye has had with a Daniel MORGAN and in particular whether the magazine has ever made a payment to such gentleman. Although it is not possible for me to say whether Mr MORGAN ever visited or contacted Private Eye I can state that I have never heard of him and no payment of £10,000 or any other sum has been made to him by the Company.'*[435]

331. In February 1989, Jonathan Rees also told DCS Alan Wheeler that he was aware that DC Kinley Davies and DC Michael Crofts had informed the Morgan One Investigation that DC Alan Holmes and a Metropolitan Police corruption investigation into the senior officer were linked to the murder of Daniel Morgan.[436] This was incorrect.

428 Witness statement, MPS017360001, p2, 26 September 1988.
429 Witness statement, MPS011017001, pp4-5, 08 February 1989.
430 Witness statement, MPS010877001, p2, 05 January 1988.
431 Report of DI Rex Carpenter, MPS022387001, 19 April 1989.
432 Action A259, *'Int MADAGAN re info police were involved in illegal acts'*, MPS031669001, 17 October 1988.
433 Custody Record in respect of William Jonathan Rees, HAM000307001, p2, 31 January 1989.
434 Witness statement of DCS Alan Wheeler, MPS010996001A, 02 February 1989.
435 Witness statement of David Cash, MPS011060001, 09 May 1989.
436 Witness statement of DCS Alan Wheeler, MPS010996001A, 02 February 1989.

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332. Jonathan Rees's statement to DCS Alan Wheeler was not correct and his evident knowledge of detail of matters relating to the conduct of the Morgan One Investigation is concerning. This suggests a possible leak from within the Morgan One Investigation or from elsewhere in the Metropolitan Police.

333. On 14 May 1989, after the abandonment of criminal proceedings against him, Jonathan Rees was reported in a story that appeared in the *News of the World* to have said that, '*Morgan and Holmes were great pals. Both were Welsh and as thick as thieves. Taff Holmes was as bent as they come*.'[437] On 02 August 1989 he was invited by the Hampshire/Police Complaints Authority Investigation to make a written statement about this matter. He declined to do so.[438]

334. On 19 May 1989, the Southern Investigations Office Manager, Peter Newby, contacted the Hampshire/Police Complaints Authority Investigation, following media reports linking DC Alan Holmes with Daniel Morgan. He said that he had known both men for two years but knew of no connection between them[439] and he later repeated this in a written statement.[440]

335. A Metropolitan Police officer, a Detective Sergeant, provided a statement in which he said that he knew both Daniel Morgan and DC Alan Holmes and did '*not know of any connection between* [them]'. Had they associated together, he felt that he would have known. Neither man had mentioned the other to him.[441]

336. Daniel Morgan's wife, Iris Morgan, repeated what she had told the Morgan One Investigation, namely that she knew of no relationship between the two men and that her husband had '*never ever mentioned the name Taffy HOLMES to her*'.[442]

337. The issue of whether Daniel Morgan and DC Alan Holmes were friends, or otherwise associated with each other, was an important subject. DC Holmes died by suicide when he was being investigated for allegedly providing information to a senior officer who was being investigated for corruption. Given the allegations and speculation concerning links between Daniel Morgan's murder and police corruption, it was an important line of enquiry and it was appropriate that the Hampshire/Police Complains Authority Investigation pursued it.

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437 News of the World newspaper article, *'Cover-up Cops Axed my Partner to Death'*, MPS060694001, 14 May 1989.
438 Report of DI Rex Carpenter, MPS027946001, pp5-6, 03 August 1989.
439 Message from Peter Newby, MPS030746001, 19 May 1989.
440 Witness statement of Peter Newby, MPS010353001, 22 May 1989.
441 Witness statement of a Detective Sergeant, MPS018571001, p4, 03 July 1989.
442 Report of DI Rex Carpenter, MPS022381001, p1, 31 May 1989.

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338. The Hampshire/Police Complaints Authority Investigation dealt properly with the issue of whether DC Alan Holmes and Daniel Morgan knew each other. While the four people named by PC Derek Haslam were not interviewed, he had said only that they may have been able to confirm that the two men knew each other. Neither he nor DC Kinley Davies had first-hand knowledge of the matter and both officers were known to be in contact with Jonathan Rees who was understandably regarded by DCS Alan Wheeler as having encouraged speculation about the topic in order to distract attention from himself. Such evidence as was obtained supporting the existence of a link was hearsay, originating with Jonathan Rees, and those most likely to have known the truth – Daniel Morgan's widow and people who knew both men – denied that they knew each other.

339. One of the documents identified by the Hampshire/Police Complaints Authority Investigation related to the Features Editor of the *Daily Mirror*, Anton Antonowicz, who had spoken with the Morgan One Investigation.[443] He was re-interviewed by Hampshire officers on 22 May 1989.[444] He confirmed that he had come into contact with Daniel Morgan, who used to ring him with '*so called information'* that he wanted to sell.[445] This information was always far less valuable than Daniel Morgan thought, and Anton Antonowicz never ran a story on anything he was given. He had last heard from Daniel Morgan approximately a month before he was killed, although Anton Antonowicz was not in the office at the time of the telephone call and a message had been left for him. However, there was no mention of anything linked to police corruption and he said that if the matter had been important Daniel Morgan would have called him back.[446]

340. In June 1989, DCI Paul Blaker and a Detective Sergeant interviewed DC Kinley Davies about his work on the Morgan One Investigation. During the interview, DC Davies explained that he and DC Michael Crofts had interviewed former DC Peter Wilkins, who was a private investigator and friend of Daniel Morgan. DC Davies claimed that former DC Wilkins had told them that Daniel Morgan '*had uncovered* [...] *major police corruption, and that he was going to sell it to the national newspapers*'.[447] DC Davies said he had provided this information to the incident room but '*the document had disappeared*' before any action was taken. He claimed that, nevertheless he, DC Crofts and DS Christopher Horne continued to investigate the allegation, but they were '*suddenly removed from the squad without any reason being given*'.[448] Before he left the Morgan One Investigation, he had written the information on a message form and submitted it. He learned subsequently that the matter had been allocated to DC Richard Davis.[449] Former DC Kinley Davies repeated the substance of this allegation when he was interviewed by members of the Panel in 2016.[450]

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443 Action A1581, MPS014644001, 04 February 1988.
444 Report of DI Rex Carpenter, MPS022383001, 30 May 1989.
445 Report of DI Rex Carpenter, MPS022383001, p1, 30 May 1989.
446 Report of DI Rex Carpenter, MPS022383001, 30 May 1989.
447 Report of a Detective Sergeant, MPS027951001, 23 June 1989.
448 Report of a Detective Sergeant, MPS027951001, 23 June 1989.
449 Report of a Detective Sergeant, MPS027951001, 23 June 1989.
450 Panel interview with former DC Kinley Davies, PNL000232001, 14 June 2016.

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341. The Detective Sergeant noted in his report that D/Supt Campbell had made an entry in his policy file on 04 August 1987, recording his decision to return DC Kinley Davies and DC Michael Crofts, along with two other officers, to their divisions with effect from 10 August 1987 on the grounds that there was '[i]*nsufficient information coming into* [the] *Incident Room to keep* [*...* the] *officers fully employed*'.[451]

342. On 06 June 1989, DC Richard Davis was interviewed by DCI Paul Blaker and the Detective Sergeant. He said that after DC Kinley Davies put information into the investigation about former DC Peter Wilkins, he was sent to interview former DC Wilkins. However, he said that when he met with him, '*WILKINS cut him dead, and denied ever having said such a thing to DAVIES and CROFTS*'.[452]

343. On 08 June 1989, DC Michael Crofts was interviewed by DI Rex Carpenter and confirmed DC Kinley Davies's account, stating that he believed that he and his colleague had been removed from the investigation because of '*difficulties with the SIO* [Senior Investigating Officer]', who had made a policy decision not to follow up the information.[453]

344. On 10 July 1989, DS Dennis Stephens reported that he had sought to re-interview former DC Peter Wilkins to establish what knowledge he had of the matter. He reported that, '*WILKINS was not available for interview, however the nature of the enquiry was put through Peter NEWBY (Office Manager). The reply from WILKINS was that he had no knowledge of MORGAN having uncovered police corruption*.' No reason was given for former DC Wilkins' lack of availability. The same day, DCI Paul Blaker instructed '*No Further Action*' because former DC Wilkins had not provided anything to take the investigation forward.[454]

345. The Detective Sergeant's report about the information concerning former DC Peter Wilkins, which DC Kinley Davies and DC Michael Crofts had been investigating (see paragraph 340 above), does not state whether DC Davies explained how he and his colleagues continued to investigate, nor whether, or how, they reported the outcome of their investigations. The Panel asked former DC Davies several times via email in relation to this matter, but he refused to answer unless he was first provided via email with sight of a number of unredacted, sensitive documents.[455] The Panel could not agree to such disclosure of sensitive documents to a non-secure personal email address.

346. Although DCS Alan Wheeler investigated these matters, he later stated that he regarded all this as a '*red herring*' and a ploy by Jonathan Rees to deflect attention away from himself.[456]

451 Morgan One Investigation SIO Policy File, Decision 13, p14, 04 August 1987.
452 Report of Detective Sergeant, MPS027950001, 23 June 1989.
453 Report of a Detective Inspector, MPS027948001, 08 June 1989.
454 Action A56, MPS027965001, 07 July 1989.
455 Emails dated 14 April 2017, 22 January 2018, 24 January 2018, 25 January 2018, 26 January 2018 and 29 January 2018.
456 Witness statement of former DCS Alan Wheeler, HAM000315001, p69, paras 227 to 229, 24 July 1996.

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347. There is no clear evidence to corroborate the assertion that Daniel Morgan was working on a story about police corruption before he died. However, a more robust approach should have been taken to this line of enquiry. There was insufficient justification for the decision not to interview former DC Peter Wilkins and to take no further action to pursue it. Further, given the timing – July 1989 – it is difficult to escape the conclusion that DCS Alan Wheeler was preparing to terminate his investigation. This matter should have been investigated fully.

8.1 The 'whistleblowing' line of enquiry

348. A matter possibly linked to the claim that Daniel Morgan was about to sell a story about police corruption to the media concerns a claim that he had an appointment to see a senior police officer shortly after he was murdered.

349. On 07 February 1989, during a telephone conversation with DCS Alan Wheeler, Alastair Morgan had stated that while WDC Julie Benfield, who was a member of the Morgan One Investigation, was visiting his mother and sister at their home in Wales sometime previously, she had said that Daniel Morgan had been due to meet a senior officer at Sydenham Police Station two days after he was murdered.[457] D/Supt Douglas Campbell had in fact been asked about the same issue during the Inquest the year before by the lawyer representing Isobel Hülsmann and Alastair Morgan and had denied all knowledge of it, saying that the officer had been a member of his team for some months and that he would have expected her to have told him if she had such information.[458]

350. On 14 March 1989, an action was raised for WDC Julie Benfield to be interviewed about this, but it was not carried out immediately and was later transferred to Operation Plymouth.[459]

351. On 15 June 1989, DCI Paul Blaker instructed that WDC Julie Benfield should be interviewed about her statement to Alastair Morgan but DCS Alan Wheeler later directed no further action. No reason was given for this.[460]

352. However, on 21 June 1989, WDC Julie Benfield provided Hampshire/Police Complaints Authority Investigation with a written statement concerning her involvement with the Morgan One Investigation. She was apparently not asked about the alleged arranged meeting between Daniel Morgan and a senior police officer or, if she was, her response is not recorded.[461]

353. The Panel has been unable to find any evidence in either the papers relating to the Morgan One Investigation or in the papers relating to the Hampshire/Police Complaints Authority Investigation that the statement recorded by Alastair Morgan as being made by WDC Julie Benfield was investigated. It was not until 21 May 2007 that an Abelard Two Investigation officer spoke to former WDC Julie Benfield. She said that she could not recall the comment.[462]

457 Telephone conversation between DCS Alan Wheeler and Alastair Morgan, MPS031020001, 07 February 1989.
458 Transcript of the Inquest into the death of Daniel Morgan, INT000052001, p7, 15 April 1988.
459 Action A694, MPS032267001, 14 March 1989.
460 Action A24, MPS028002001, 15 June 1989.
461 Witness statement, MPS018565001, 21 June 1989.
462 Action A1214, MPS066472001, 21 May 2007.

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354. The Panel has also been unable to establish whether or not this matter was linked by the Hampshire/Police Complaints Authority Investigation to several apparently connected enquiries carried out between September 1988 and March 1989 by the Morgan One Investigation about a possible Malta connection to the murder.

355. On 01 February 1987, Daniel Morgan and David Bray had flown to Malta to repossess, for a finance company, a Range Rover motor vehicle, which had been in the possession of Irving Markson, who with several other people was the subject of a major fraud investigation by West Yorkshire Police. Daniel Morgan had recovered the Range Rover and driven it back to England. He had contacted West Yorkshire Police to report what had happened in Malta and on 11 March 1987, the day after Daniel Morgan was murdered, a West Yorkshire officer had visited Southern Investigations hoping to interview him. Having heard about the murder, that officer had visited the Morgan One Investigation to explain that he had intended to interview Daniel Morgan (see Chapter 1, The Morgan One Investigation).

356. On 11 September 1988, DI Trevor Witt of the Hampshire/Police Complaints Authority Investigation team had met a member of 'INQUEST', an organisation providing advice to the bereaved about inquests, and who had been present throughout the Inquest into Daniel Morgan's murder. The man had handed papers about the Inquest to DI Witt and, during the meeting, had stated that Daniel Morgan had had an appointment at Sydenham Police Station on Thursday 12 March 1987 to discuss his visit to Malta and his repossession of a Range Rover there on behalf of a finance company.[463] DI Witt did not report the grounds upon which the man had made this claim but it was suggested that an action should be raised for the man to be interviewed again and for a statement to be taken from him and that there should also be an attempt to identify the officer whom Daniel Morgan was scheduled to meet. However, DCI Paul Blaker did not authorise the interview of the individual whom DI Witt had met. No reasons were given.[464]

357. Later that month, DI Rex Carpenter interviewed Person O24, who had provided evidence to the Morgan One Investigation about his personal knowledge of Daniel Morgan and a telephone conversation he had with him on the evening of Tuesday 10 March 1987.[465] DI Carpenter took a further statement from Person O24 who said that he remembered Daniel Morgan telling him at some point that he was working on '*a very big fraud case*' that had something to do with a finance company or a building society and that he was working for '*Scotland Yard*'.[466] In the absence of any other explanation, the possibility is recognised that this was some reference to the repossession of the Range Rover. No actions were raised as a result of that statement.

358. In March 1989, in furtherance of the action raised to identify the officer with whom Daniel Morgan had an appointment at Sydenham Police Station, DI Rex Carpenter spoke on the telephone with one of the West Yorkshire officers who was dealing with the investigation into the matters related to the Range Rover.[467] It appears that there was an assumption on DI Carpenter's part that the visit of those officers to London on 11 March 1987 was the appointment in question and he reported as such and no further action was taken.

463 Report of DI Trevor Witt, MPS022305001, 16 September 1988.
464 Report of DI Trevor Witt, MPS022997001, p1, 16 September 1988.
465 Witness statement of Person O24, MPS010599001, 13 April 1987.
466 Witness statement of Person O24, MPS010600001, 22 September 1988.
467 Report of DI Rex Carpenter, MPS022389001, 03 April 1989.

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359. There was, and is, no firm basis for the assertion that Daniel Morgan was due to meet with '*a senior police officer'* in the period immediately following his murder. It is now impossible to discover how the rumour arose, although the Panel is of the view that it probably came about partly as a result of the contact that Daniel Morgan had with the West Yorkshire officers and remarks that he had made to others, apparently about his work in connection with the recovery of the Range Rover in Malta. However, the Hampshire/Police Complaints Authority Investigation, despite having the opportunity to explore this matter further with WDC Julie Benfield and with the member of 'INQUEST', failed to do so.

8.2 Allegations that Daniel Morgan paid police to carry out illicit vehicle checks

360. In the statement he made to the Morgan One Investigation, Person M12 had described how he had arranged, via Daniel Morgan, for a number of vehicle checks to be carried out with police contacts on behalf of a work colleague whose partner had been subjected to a sexual assault by a man who had approached her in a car while she was waiting at a bus stop.[468] Person M12 has told the Panel that Daniel Morgan used to meet police officer contacts in a public house in Penge whenever he needed such checks done.[469] He related being told by Daniel Morgan that one of the checks carried out on behalf of the work colleague had been reported by his police source to have come back as '*blocked'* and that Daniel Morgan recommended that he did not get involved any further.[470] '*Blocked*' is a Police National Computer term that at that time usually indicated the vehicle in question was a police vehicle or belonged to some other law enforcement agency.

361. The Morgan One Investigation subsequently interviewed and took a statement from Person M12's work colleague in which he described to them providing Daniel Morgan, via Person M12, with several partial registration numbers in an attempt to identify the vehicle being driven by the man who had assaulted his partner. He stated that he paid £30 per registration number – although he was not charged every time – and that, while he had never met Daniel Morgan, he was aware of his identity and had spoken to him on the telephone. He said that he also understood from a conversation that he had with someone in a public house after the murder that Daniel Morgan '*had high ranking police contacts*' and that he owed someone £20,000.[471]

362. On 11 October 1988, the Hampshire/Police Complaints Authority Investigation, which was in possession of the statements made both by Person M12 and his work colleague, decided to re-interview the work colleague, specifically in connection with the assertion that Daniel Morgan owed someone a large sum of money.[472] The interview was carried out on 28 October and the man said that his understanding was that the money was in fact owed to a '*high ranking police officer*' whose identity he did not know. He also repeated the allegation that he had paid £30 for vehicle checks to be carried out in connection with the assault on his partner. No statement was taken from him.[473]

468 Witness statement of Person M12, MPS031444001, 25 August 1987.
469 Panel interview of Person M12, 11 August 2016.
470 Witness statement of Person M12 , MPS031444001, 25 August 1987.
471 Witness statement, MPS010874001, 22 December 1987.
472 Action A252, *'Re interview* [friend of Person M12], MPS031696001, 11 October 1988.
473 Report of a Detective Sergeant, MPS022359001, 28 October 1988.

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363. Despite the Terms of Reference under which DCS Alan Wheeler was operating, nothing further was done to pursue this issue. It is accepted that the mere reference to '*a high ranking police officer*' is vague and that it would not have been a simple task to enquire into Police National Computer vehicle checks in an attempt to identify the '*blocked*' vehicle referred to and the police officer carrying out the check, especially as the witness had told D/Supt Campbell's officers that he had destroyed all the notes he had made in connection with the matter.[474] However, there is no evidence that the Hampshire/Police Complaints Authority Investigation asked the family, friends or associates of Daniel Morgan whether they knew anything about his allegedly owing a large sum of money to a police officer. The period in which the partial vehicle registration numbers were handed over was known and, given that one of them had apparently resulted in the identification of what may have been a law enforcement vehicle, the scale of the search would have been much reduced and the feasibility of carrying it out should at least have been explored.

8.3 A possible insurance fraud

364. On 10 October 1988, DS Dennis Stephens obtained a statement[475] from Peter Newby, Southern Investigations' Office Manager. DS Stephens later submitted a report advising that Peter Newby had disclosed other information which he (Peter Newby) did not want to include in his statement, for fear of reprisal. Peter Newby had said Southern Investigations had provided security for a listed building in Plumstead High Street in the autumn of 1986. A fire had occurred when security staff were not on site. In order to cover up their absence, Jonathan Rees and police officers made false statements and an insurance claim was subsequently paid. DS Stephens advised, '*I think we should dig into this insurance claim because if the allegation is true it would show police officers conspiring with Rees*'.[476] DCI Paul Blaker directed that details of the insurance claim be obtained,[477] that the Southern Investigations file on the matter be obtained,[478] and that the Metropolitan Police file concerning the matter be obtained.[479]

365. On 02 May 1989, DS Dennis Stephens reported that the fire had been recorded as arson, that it had occurred while Jonathan Rees and former DS Sidney Fillery's brother were supposedly patrolling the premises, and that they had disturbed a group of youths in the act of lighting the fire.[480] A man and a youth were later charged in connection with the offence; they both pleaded guilty and were sentenced to terms of imprisonment.[481] The investigative actions in relation to the insurance claim and the Southern Investigations file were never carried out.

474 Witness statement of friend of Person M12, MPS010874001, p11, 22 December 1987.
475 Witness statement of Peter Newby, IPC000858001, 10 October 1988.
476 Report of a Detective Sergeant, MPS023055001, 14 October 1988.
477 Action A299, *'Obtain copy of insurance claim re fire at Shornells'*, MPS031533001, 28 October 1988.
478 Action A300, *'Examine Southern Inv file on fire at Shornells',* MPS031532001, 28 October 1988.
479 Action A298, *'T/I OIC fire at Shornells guest hse, ID crime report'*, MPS031534001, 28 October 1988.
480 Report of a Detective Sergeant, MPS023027001, p1, 02 May 1989.
481 Report of a Detective Sergeant, MPS022333001, 02 May 1989.

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366. This matter was not dealt with effectively. While the original crime was apparently investigated successfully, and two people pleaded guilty, that did not preclude the possibility that Peter Newby's allegation was true and that Jonathan Rees, with a close family member of former DS Sidney Fillery and with police officers, had conspired to defraud the insurance company. The Panel has seen no evidence to suggest that effective steps were taken to investigate this and, for reasons which are unclear to the Panel, such little action as was taken took seven months to complete. If the matter was considered to be outside the Hampshire/Police Complaints Authority Investigation's Terms of Reference, it should have been forwarded to the Metropolitan Police.

9 The culmination of the murder investigation: the arrests of Jonathan Rees, Paul Goodridge and Jean Wisden

367. In the months between his appointment in June 1988 and the arrests of Jonathan Rees and others in January 1989, DCS Alan Wheeler began the process of analysing and re-evaluating the evidence and information gathered by the Metropolitan Police. Hampshire officers carried out a comparison of the written statements made, and began to re-interview all the witnesses who had made the 756 statements[482] to the Morgan One Investigation, and all the police officers who had been involved in the investigation.[483,484] Other Hampshire/Police Complaints Authority officers carried out a comparison of the written statements made and the evidence given by witnesses at the Inquest into Daniel Morgan's death.

368. By the first week of December 1988, the Hampshire/Police Complaints Authority Investigation had taken a further 90 witness statements.[485]

369. On 31 January 1989, Jonathan Rees, Paul Goodridge and Jean Wisden were arrested and taken to Fareham Police Station in Hampshire.

370. Jonathan Rees was arrested by DCI Paul Blaker at the offices of Southern Investigations.[486] He was subsequently interviewed at 6.44 pm on 31 January 1989,[487] at 11.20 am on 01 February,[488] at 10.36 am on 02 February[489] and finally at 3.30 pm on 02 February 1989.[490]

371. Searches were carried out at Southern Investigations and at Jonathan Rees's home address. A number of items of clothing, as well as a red hand towel found in a desk drawer, were found at the offices.[491] Elastoplast, more items of clothing, two Southern Investigations

482 Interim Report of DCS Alan Wheeler to the Police Complaints Authority, MPS022468001, p2, para7, 08 December 1988.
483 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p5, para 12, 04 September 1989.
484 Witness statement of Supt Paul Blaker, HAM000339001, pp12-13, paras 48-49, 25 July 1996.
485 Interim report of DCS Alan Wheeler to the Police Complaints Authority, MPS022468001, p2, para 7, 08 December 1988.
486 Witness statement of DCI Paul Blaker, MPS011028001, pp1-2, 20 February 1989.
487 Record of interview of Jonathan Rees, MPS021809001, 31 January 1989.
488 Record of interview of Jonathan Rees, MPS027169001 and MPS027170001, 01 February 1989.
489 Record of interview of Jonathan Rees, MPS021812001, 02 February 1989.
490 Record of interview of Jonathan Rees, MPS027173001 and MPS027006001, 02 February 1989.
491 Witness statement of a Police Constable, MPS018139001, p1, 07 April 1989.

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diaries, dated 1984 and 1987, and a variety of documents, including a piece of paper which referred to '*CAMPBELL, FILLERY, JONES, PURVIS, Daniel*' and two other men, were also seized from his home.[492,493]

372. Paul Goodridge's home was searched and among the articles seized were six items of red clothing and a VHS video cassette marked '*for solicitor*'. This contained a recording of the BBC *Crimewatch* programme and the *Crimewatch* update that featured the murder of Daniel Morgan.[494,495]

373. During interview, Paul Goodridge said that he had had Daniel Morgan's murder on his mind for two years[496] and it had caused him a nervous breakdown.[497] While in custody at Fareham Police Station, he was interviewed five times in the presence of his solicitor.[498]

374. Jean Wisden was arrested at her place of work by DI Trevor Witt.[499] She was first taken to her home, which was searched.[500] Items of property seized included two red pullovers.[501] While in custody she was interviewed three times but gave '*no comment*' answers to all questions.[502,503]

375. On 02 February 1989, Jonathan Rees[504] and Paul Goodridge[505] were charged with the murder of Daniel Morgan. Jean Wisden was charged with attempting to pervert the course of justice.[506,507,508] Jonathan Rees and Paul Goodridge were remanded in custody and Jean Wisden was granted bail.[509] However, on 16 February 1989 Paul Goodridge was granted bail by Fareham Magistrates' Court.[510] Jonathan Rees was also granted bail by the Crown Court on 01 March 1989.[511]

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492 Witness statement of a Detective Sergeant, MPS018075001, 07 February 1989.
493 Witness statement, MPS011000001, 03 February 1989.
494 Schedule of property and exhibits seized, MPS026099001, 31 January 1989.
495 Witness statement of a Detective Inspector, MPS034433001, pp4-5, 29 November 1995.
496 Record of interview of Paul Goodridge, MPS021802001, p3, 01 February 1989.
497 Record of interview of Paul Goodridge, MPS021803001, p13, 02 February 1989.
498 Record of interview of Paul Goodridge, MPS021801001, 31 January 1989.
Record of interview of Paul Goodridge, MPS021802001, 01 February 1989.
Record of interview of Paul Goodridge, MPS021803001, 02 February 1989.
Record of interview of Paul Goodridge, MPS021804001, 02 February 1989.
Record of interview of Paul Goodridge, MPS021805001, 02 February 1989.
499 Witness statement of DI Trevor Witt, MPS019998001, p4, 07 February 1989.
500 Record of property seized, MPS034371001, 31 January 1989.
501 Record of property seized, MPS034371001, p8, 31 January 1989.
502 Record of interview of Jean Wisden, MPS026854001, 01 February 1989.
Record of interview of Jean Wisden, MPS026855001, 02 February 1989.
(It is noted that the times for this interview appear incorrect. The record is only five pages in length, but according to the timings lasted for one hour and nine minutes.)
503 Record of interview of Jean Wisden, MPS026856001, 02 February 1989.
504 Custody record of Jonathan Rees, HAM000673001, p3, 02 February 1989.
505 Custody record of Paul Goodridge, HAM000672001, 02 February 1989.
506 Witness statement of D/Supt Alan Lewis, MPS024854001, 08 February 1989.
507 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, p6, 23 February 1989.
508 Charge Sheet for Jean Wisden, MPS021624001, 03 February 1989.
509 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, pp2-6, 23 February 1989.
510 CPS Bail notification in respect of Paul Goodridge, MPS025885001, 16 February 1989.
511 Winchester Crown Court bail order Jonathan Rees, MPS021516001, 01 March 1989.

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9.1 Post-charge conversations with Paul Goodridge

376. On the evening of 02 February 1989, after he had been charged with the murder of Daniel Morgan, Paul Goodridge was visited in his cell at Fareham Police Station by DCS Alan Wheeler. An account of the conversation between the two men was recorded in DCS Wheeler's pocket book.[512]

377. DCS Alan Wheeler recorded that he had received a message that Paul Goodridge wished to speak to him alone. He went to the cell and told Paul Goodridge that he did not want to interview him because he had now been charged. However, Paul Goodridge is stated as having said that he wanted to speak alone because the situation was dangerous, and he was frightened for his life and wanted protection for his family. DCS Wheeler asked him what he meant, and he replied:

> *'I can't tell you. There is a big firm involved in this* [...] *that is all powerful. I can't tell anyone. I can't tell my solicitor.* [...] *What I can tell you will get me and Jean out of this but it will get REES well in it.'*[513]

378. DCS Wheeler stated that he told Paul Goodridge that he must speak with his solicitor, to which Paul Goodridge replied:

> *'I can't. The Met Police are a big and powerful firm. There are about seven involved in this.* [...] *You have been fair to me. It's not you. It's the firm in London I am worried about.'*[514]

379. DCS Alan Wheeler told him that he should speak with his solicitor or, if he preferred, to his solicitor with DCS Wheeler present, to which Paul Goodridge replied that he would think about it and let him know.

380. Once the encounter was concluded, DCS Alan Wheeler informed the Metropolitan Police Detective Superintendent who was acting as liaison officer of what had happened. He later also informed DCI Paul Blaker, DI Trevor Witt, DI Rex Carpenter and DS David Kilbride. He told them that he felt that Paul Goodridge was a '*con-man*' but that he could be talking about the involvement of Metropolitan Police officers in the murder.[515] In the early hours of the following morning, Assistant Chief Constable John Wright of Hampshire Constabulary attended the police station in connection with an unrelated matter and was also told of what had occurred.[516] Later that same day, Roland Moyle attended the police station and he too was informed.[517] Roland Moyle recorded in a file minute, '[i]*n view of what GOODRIDGE says WHEELER now appears worried about the possible involvement of Met officers*'.[518]

381. On 03 February 1989, Paul Goodridge appeared before magistrates in Fareham and was remanded in custody to HMP Winchester.[519] Within a few days, he was transferred closer to home, to HMP Brixton, where he was visited by a friend. During the course of the visit, Paul Goodridge discussed the case. As a result of what he said, the friend, at Paul Goodridge's request, contacted a Metropolitan Police Detective Constable whom he knew.

512 Copy of pocket notebook entry made by DCS Alan Wheeler, MPS007547001, 02 February 1989.
513 Copy of pocket notebook entry made by DCS Alan Wheeler, MPS007547001, pp4-5, 02 February 1989.
514 Copy of pocket notebook entry made by DCS Alan Wheeler, MPS007547001, pp5-6, 02 February 1989.
515 Transcript of pocket notebook entry made by DCS Alan Wheeler, MPS033399001, p3, 02 February 1989.
516 Transcript of pocket notebook entry made by DCS Alan Wheeler, MPS033399001, p3, 03 February 1989.
517 Transcript of pocket notebook entry made by DCS Alan Wheeler, MPS033399001, p4, 03 February 1989.
518 Police Complaints Authority minute sheet entry made by Roland Moyle, MPS034440001, p3, 03 February 1989.
519 Custody Record of Paul Goodridge, MPS021208001, p1, 03 February 1989.

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382. On 09 February 1989, having sought advice from his Detective Inspector, the Detective Constable telephoned the Hampshire/Police Complaints Authority Investigation and spoke with DCI Paul Blaker. The following day, having been informed of the officer's telephone call by DCI Blaker, DCS Alan Wheeler telephoned the officer at his home, where he was off duty. DCI Blaker was present and made a written summary of the conversation.[520,521]

383. The Detective Constable informed DCS Wheeler that he had been contacted by Paul Goodridge's friend, who was known to the officer. The friend said that Paul Goodridge had '*lost his nerve*' and was '*afraid to say anything since he believes high ranking police officers are involved*'. Paul Goodridge was aware that the friend knew the officer to be *'trustworthy'* and said that he '*had something to say*', and that he had information that the police did not have, possibly involving a watch. The friend had stated that he intended to visit Paul Goodridge again on 12 February 1989.[522]

384. The note of the conversation was entered onto the Hampshire/Police Complaints Authority Investigation HOLMES database, but there is no record of any action being taken in respect of it.

385. On 13 February 1989, a member of the Crown Prosecution Service telephoned DCS Alan Wheeler and told him that he had received a '*garbled message*' from Paul Goodridge's solicitor. It was suggested that since 09 February *'someone'* [although it is not stated who, the context makes it clear that it was one or more police officers] had visited Paul Goodridge in HMP Brixton on the pretext of getting him to sign authorisation for his medical records to be examined. DCS Wheeler is recorded as having said that no one from the Hampshire/Police Complaints Authority Investigation had visited Brixton on this date.[523]

386. The Panel interviewed the Metropolitan Police Detective Constable about what Paul Goodridge's friend had told him. He was able to recall some information that had not been noted by DCI Blaker. He said that he had been told that:

> *'GOODRIDGE said that the* [Rolex] *watch was taken to make the crime look like a robbery, but that they had missed the envelope containing the £20 notes in his pocket. GOODRIDGE wanted the investigation team to go and see him so that he could tell them that the taking of the watch was to make it look like a robbery and it didn't work because a lot of money was left on the body. He wanted to give us something that we didn't have so that the investigation team would go and visit him."*[524]

387. The Panel asked former DCI (later Supt) Paul Blaker[525] about both telephone calls. He said that he did not remember either of them but acknowledged that the handwriting in the note of the call to the Metropolitan Police Detective Constable was his. Asked if he recalled anything being done in relation to them, he said that he had no recollection. When it was put to him that it appeared that nothing had been done, he said that he would contradict that but was unable to explain what action had been taken.[526]

520 Hampshire/Police Complaints Authority M657, MPS030975001, 10 February 1989.
521 Panel interview of a former DCI, PNL000182001, 11 February 2020.
522 Hampshire/Police Complaints Authority M657, MPS030975001, 10 February 1989.
523 Hampshire/Police Complaints Authority M658, MPS030974001, 13 February 1989.
524 Panel interview of A former DCI, PNL000182001, p2, 11 February 2020.
525 Paul Blaker was promoted to Superintendent on 01 April 1990.
526 Panel interview of former DCI Paul Blaker, PNL000183001, 17 March 2020.

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388. The Panel put it to former DCI Paul Blaker that, given Paul Goodridge had been charged with murder and that it appeared that police officers not connected to the murder investigation had visited him in prison in circumstances that were of concern to Paul Goodridge's lawyer, it would have been expected that enquiries would have been made to establish the facts. The Panel asked former DCI Blaker why this was not done. He replied that he did not know.[527] Former DCI Blaker said in interview with the Panel that:

> *'there was no dishonesty on my behalf, and I don't believe there was any dishonesty on Alan WHEELER's part. We investigated honestly and felt that we did all that we could. We didn't cover anything up. Alan directed a course of action, to try and detect whether there was police involvement in the murder of Daniel MORGAN. These documents show a contradiction to what I have just said, but I can't remember. Alan is now deceased and so we can't have a conversation to jog my memory. I have been trying to honestly answer your questions. There was no intention on my behalf to cover up police involvement and that I believe wasn't Alan WHEELER's intent either. He was not that sort of person. I am confident that neither Alan WHEELER nor I were coerced in any way and that we did our honest best.'*[528]

389. On 16 February 1989, prior to the Court hearing at which Paul Goodridge was granted bail, DCS Alan Wheeler saw him again, privately, in an interview room at Fareham Police Station. He gave Paul Goodridge his police station telephone number on a piece of paper. Paul Goodridge acknowledged this and said that he would '*be in touch*' and repeated that he would '*need protection*'.[529] There is no reference in DCS Wheeler's note of the meeting of any mention during the conversation of either of the telephone calls of 10 February and 13 February 1989.

390. Paul Goodridge was then taken to appear before Fareham Magistrates. In a statement made in 1996 in connection with the civil action he took against Hampshire Constabulary, he said:

> *'Although the police did not oppose bail, the Court was still very reluctant to give bail given all that had been said in the previous hearing about me being dangerous and a threat to witnesses. It turned out that the prosecution almost had to persuade the Court to give me bail.'*[530]

391. DCS Alan Wheeler recorded in his pocket notebook that because of the nature of the information passed to him by Paul Goodridge, it would not be processed in the usual way and that he would keep it secret to the members of his team.[531] There is in fact no record of the matter or of any subsequent enquiries that may have been carried out in relation to it on the HOLMES database for the Hampshire/Police Complaints Authority Investigation and there is no evidence that DCS Alan Wheeler had any further contact with Paul Goodridge or pursued the matter further.

392. In the statement made in July 1996 in connection to his civil action against Hampshire Constabulary, Paul Goodridge contradicted DCS Alan Wheeler's account of their first encounter. He said that, rather than him asking to see DCS Wheeler in private on 02 February 1989, DCS Wheeler had in fact come to see him uninvited and, after assuring him that he was not '*taped up*', said: '*We know you didn't do it but we know you know who did do it. We don't want you,*

527 Panel interview of former DCI Paul Blaker PNL000183001, 17 March 2020.
528 Panel interview of former DCI Paul Blaker, PNL000183001, pp2-3 17 March 2020.
529 Transcript of pocket notebook entry made by DCS Alan Wheeler, MPS033399001, p1, 16 February 1989.
530 Witness statement of Paul Goodridge, HAM000333001, p17, 24 July 1996.
531 Transcript of pocket notebook entry made by DCS Alan Wheeler, MPS033399001, p3, 02 February 1989.

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we want REES[...]'. He alleged that DCS Wheeler then told him that all he needed to do was to '*de-arrest*' him and then he could go home that night with his wife. Paul Goodridge said that he told DCS Wheeler that he had told the truth and that he knew nothing about the murder, to which DCS Wheeler responded that, as a consequence, he was going to prison.[532] In his witness statement in 1996 connected with the same civil proceedings, DCS Wheeler denied having this conversation as set out by Paul Goodridge.

393. While DCS Alan Wheeler informed the Police Complaints Authority orally of the remarks made to him by Paul Goodridge and also told an Assistant Chief Constable of them, it is surprising that he did not make any written record, other than in his pocket notebook, until he made a witness statement in 1996 in connection with the civil action being taken against Hampshire Constabulary by Paul Goodridge.[533] It is of concern that the matter was not referred to in his report to the Police Complaints Authority, nor was it referred to in his report to the Director of Public Prosecutions. Neither did DCS Wheeler cause the information to be entered onto the investigation's HOLMES database.

It was understandable and legitimate that DCS Alan Wheeler might have regarded the information with some suspicion and that he was reticent to act immediately on it, but in that case, he should have made an entry in his policy file and recorded the reasons.

394. Of even greater concern is the apparent lack of reaction by DCS Alan Wheeler to the two telephone calls of 10 and 13 February 1989. In the first, he received information that reinforced what he had been told by Paul Goodridge on the evening of 02 February, that police officers were allegedly involved in Daniel Morgan's murder. It also reinforced the belief that Paul Goodridge wished to talk to '*trustworthy*' officers about his knowledge of the matter. In the second, he received information that unknown police officers had visited Paul Goodridge in prison in circumstances that caused concern to Paul Goodridge's solicitor, to the extent that the solicitor telephoned the Crown Prosecution Service. This should have prompted immediate action from DCS Wheeler. It would have been an extremely simple task to establish the identities of the visitors by an examination of the prison files, which will have contained a letter signed by a senior police officer requesting access to Paul Goodridge and stating the identities of the officers making the visit. The Panel sought to establish if the records still existed, but they had been destroyed some years ago, in accordance with the Prison Service's normal retention policy.

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532 Witness statement of Paul Goodridge, HAM000333001, pp15-16, 14 July 1996.
533 Witness statement of former DCS Alan Wheeler, HAM000315001, pp69-71, 24 July 1996.

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395. While to an extent speculation, the Panel's conclusion is that the unknown visitors to Paul Goodridge were in all probability Metropolitan Police officers. The Detective Constable who had been contacted by Paul Goodridge's friend had quite properly sought advice from his Detective Inspector about how to deal with the information he had received. He was told to pass it on to the Hampshire/Police Complaints Authority Investigation. It is likely that the Detective Inspector, innocently, then informed other senior officers of this and that, as a consequence, Metropolitan Police officers visited Paul Goodridge to warn him not to speak to Hampshire officers. This is a logical conclusion and one that DCS Alan Wheeler will undoubtedly have arrived at himself.

396. DCS Alan Wheeler logged both telephone calls but apparently took no action in relation to them. Nor did he inform anyone of the calls or refer to them in his reports to the Crown Prosecution Service or to the Police Complaints Authority. He did not mention them in the statement he made in connection with the later civil proceedings. Given his Terms of Reference, that he did not take this opportunity to establish the identity of police officers who may have been involved in an attempt to prevent someone who said he had knowledge of police involvement from talking to him is astonishing.

397. The Panel's concerns are aggravated by the fact that the Prosecution did not object to bail being granted to Paul Goodridge at his appearance before Fareham Magistrates Court on 16 February 1989. The extreme unusualness of this event is demonstrated by the credible claim made by Paul Goodridge (see paragraph 390 above) that the Court was reluctant to accede to the Prosecution's wishes. The granting of bail to those charged with murder was very rare and, in the circumstances of this case, surprising.

At the remand hearing on 09 February, objections to bail had been made on the grounds of Paul Goodridge's character and the likelihood that he would interfere with witnesses. It is not obvious to the Panel what had happened in the interim to eliminate those grounds. The only occurrences the Panel is aware of relating to Paul Goodridge between 09 and 16 February are the two telephone calls made to DCS Alan Wheeler on 10 and 13 February. It is the Panel's view that the decision not to object to bail was in all probability connected to those calls and that, for unknown reasons unconnected to the proper investigation and prosecution of the case, there was a desire to allow Paul Goodridge to be released.

398. The Panel wrote to Paul Goodridge[534] seeking to interview him but he did not reply to the letter. The full information in relation to these matters did not become available until after former DCS Alan Wheeler had died. Therefore, no questions could be put to him about these matters.

534 Letter from Mike Kellett to Paul Goodridge, 29 May 2018.

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9.2 The forensic examinations following the arrests

399. Following the searches of 31 January 1989, during which items of clothing, documents, implements and Elastoplast were seized, DCS Alan Wheeler instructed that items should be submitted to the Metropolitan Police Forensic Science Laboratory, in order that they might be examined in relation to:

a. any match between the clothing and fibres which were recovered from the axe;

b. comparison of the marks on the axe handle with the implements seized; and

c. comparison of the Elastoplast seized with that which was on the axe handle.[535]

400. DCS Alan Wheeler believed that the chance of a match, two years after the event, was unlikely, and stressed that the prospect of finding any forensic evidence at all at that late stage was slim as very little clothing had previously been submitted.[536] However, he thought that the examinations were necessary, particularly as clothing had not previously been submitted, nor had Paul Goodridge and Jean Wisden's home[s] been searched before in connection with the investigation.

401. On 13 February 1989, 23 sealed items were sent to the Forensic Science Laboratory. In addition to these items, the axe used to murder Daniel Morgan and the plaster which was on the axe handle had been obtained from the Metropolitan Police and were also sent.[537]

402. Philip Toates, a forensic scientist, examined each of the items of clothing for blood. On 15 March 1989, he informed DCS Alan Wheeler that he had found a small amount of blood on the cuff of a red jumper taken from Jonathan Rees's home.[538] He stated that he would group the blood and if it were the same as Daniel Morgan's, he would require an elimination sample to be taken from Jonathan Rees. He subsequently reported that the stain was of human origin, but it was not possible to group it and therefore it was not possible to determine who it was from.[539]

403. Philip Toates also stated that a number of knives which had been submitted had been examined by his colleague. He believed that the score marks on the axe could have been made by any sharp knife or instrument and also believed that the same applied to the possibility of the knives used to cut the plaster. DCS Alan Wheeler therefore instructed that nothing more be done with the knives.[540]

404. The items of clothing were also examined as a possible source for the red viscose fibres which had previously been found on the plaster on the axe. All had red (or reddish) component fibres but none of these matched the red viscose fibres found on the axe.[541]

405. Philip Toates examined Jonathan Rees's jumper to establish whether fibres found on the axe matched the fibres on the jumper. No matching fibres were found. A number of blue wool fibres recovered from the axe were also compared with the fibres on Jonathan Rees's suit jacket. These fibres also did not match the jacket.[542]

535 Report of DCS Alan Wheeler to the CPS, MPS034460001, pp59-60, 23 February 1989.
536 Report of DCS Alan Wheeler to the CPS, MPS034460001, p60, 23 February 1989.
537 Copy of HOLAB3 form – articles forwarded for examination, MPS025843001, 13 February 1989.
538 Message from Philip Toates to DCS Alan Wheeler, MPS030902001, 15 March 1989.
539 Letter from Philip Toates to DCS Alan Wheeler, MPS071212001, p2, 14 July 1989.
540 Message from Philip Toates to DCS Alan Wheeler, MPS030902001, 15 March 1989.
541 Letter from Philip Toates to DCS Alan Wheeler, MPS071212001, p2, 14 July 1989.
542 Letter from Philip Toates to DCS Alan Wheeler, MPS071212001, p2, 14 July 1989.

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406. Philip Toates also compared the shoes, a grey scarf found at Southern Investigations and the red pullover found at Jean Wisden's home with one pink wool fibre and one red wool fibre recovered from the axe. No match was found.[543]

407. In relation to the Elastoplast seized from Jonathan Rees's home, he concluded that these were different from the plaster on the axe.[544]

408. On 14 July 1989, Phillip Toates wrote to DCS Alan Wheeler reporting his findings. He concluded that he had '*found no evidence to link REES, GOODRIDGE or WISDEN with the murder of Daniel MORGAN*'.[545]

409. The appropriate forensic examinations of items seized following the arrests of the three suspects were requested and carried out effectively.

9.3 The end of the criminal proceedings and later civil action against the police

410. On 23 February 1989, DCS Alan Wheeler submitted a report to the Director of Public Prosecutions setting out his case against the three accused. In its conclusion, he stated that the evidence against Jonathan Rees was '*reasonable but far from overwhelming*'.[546] He conceded that, '[t]*he evidence against GOODRIDGE is not good in relation to the murder charge*'[547] and recommended therefore that only Jonathan Rees should be prosecuted for the murder but that all three should be proceeded against '*on a charge of conspiring to pervert the course of justice*'.[548]

411. The Director of Public Prosecutions instructed Counsel to advise on the matter. Three barristers contributed to the examination of the case file. They included the Counsel who had represented the Metropolitan Police Commissioner at the Inquest into Daniel Morgan's death the previous year and the Counsel who had delivered a preliminary opinion[549] on the evidence against Jonathan Rees, which DCS Alan Wheeler had submitted to the Director of Public Prosecutions for advice in December 1988 at the suggestion of the Police Complaints Authority.[550,551] They were therefore very familiar with the case. Their conclusions were returned to the Director of Public Prosecutions on 25 April 1989.[552]

412. While Counsel agreed that Jonathan Rees had lied about his movements on the night, they concluded that the case against him for murder was weak and based almost entirely on circumstantial evidence. They considered that while it was likely that a magistrates' court would

543 Letter from Philip Toates to DCS Alan Wheeler, MPS071212001, p2, 14 July 1989.
544 Message from Philip Toates to DCS Alan Wheeler, MPS030902001, 15 March 1989.
545 Letter from Philip Toates to DCS Alan Wheeler, MPS071212001, p2, 14 July 1989.
546 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, p65, para 167, 23 February 1989.
547 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, p65, para 168, 23 February 1989.
548 Report of DCS Alan Wheeler to the Director of Public Prosecutions, IPC001304001, pp65-66, paras 168-169, 23 February 1989.
549 Regina v Rees and others Preliminary Opinion, MPS015465001, undated.
550 Message from Roland Moyle to DCS Alan Wheeler, MPS030400001, 20 December 1988.
551 Letter from DCS Alan Wheeler to the Director of Public Prosecutions, MPS022082001, 20 December 1988.
552 Joint opinion by counsel submitted to the DPP, MPS033215001, 25 April 1989.

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commit him for trial, the matter was then likely to be stopped by a trial judge at the Crown Court at the end of the prosecution case, on the grounds that a jury would be most unlikely to convict him.[553]

413. In relation to Paul Goodridge they stated that they could not see '*any prima facie case of murder against* [him]' and continued that the evidence, such as it was, amounted to '*little more than that* [he] *has lied about his movements in the period following the murder*'.[554]

414. In relation to Jean Wisden and the proposal that Jonathan Rees and Paul Goodridge be joined with her on a charge of conspiracy to pervert the course of justice, they pointed out that, as it was likely that Daniel Morgan had been murdered as soon as he approached his car in the car park of the Golden Lion public house and that the crucial period for which Jonathan Rees would require an alibi would be, say, between 9.00 pm and 9.15 pm, there was a difficulty in that Paul Goodridge and Jean Wisden were not involved until 9.17 pm, when Jonathan Rees allegedly telephoned them at their home. Therefore, they did not in fact provide an alibi for him. Further, if Jonathan Rees was not to be prosecuted for murder, it made little sense to prosecute the three of them for conspiracy to provide a false alibi that was not in fact an alibi.[555]

415. On 09 May 1989, a meeting took place which was attended by the Director of Public Prosecutions, by Counsel who had drafted the opinion, and by DCS Alan Wheeler, DCI Paul Blaker and the senior officer from the Metropolitan Police who had been acting as liaison between the Metropolitan Police and the Hampshire/Police Complaints Authority Investigation since shortly before the arrests. The Director of Public Prosecutions provided DCS Wheeler with a copy of Counsel's written opinion and stated his intention to discontinue the proceedings at the next hearing. DCS Wheeler attempted to dissuade him from so doing and expressed his dissatisfaction with the lack of prior consultation about the decision. He said that he had received no response to his request for advice in December and that this was the first indication that he had received that there was a problem with the evidence. He acknowledged that the case against Jonathan Rees was weak but maintained that there was a case. The Director of Public Prosecutions was not persuaded and maintained his decision.[556]

416. On 10 May 1989, the Crown Prosecution Service telephoned the solicitors representing Isobel Hülsmann, Daniel Morgan's mother, to inform them of the decision and to let her know that proceedings were going to be brought to an end the following morning at Fareham Magistrates' Court.[557] This resulted in a telephone conversation later in the day between Isobel Hülsmann, who was very distressed, and DCS Alan Wheeler.[558,559] The same afternoon DCI Paul Blaker telephoned Iris Morgan, Daniel Morgan's widow, to let her know what was going to happen. She too was very upset by the decision but agreed to receive a visit from DCI Blaker the next day, after the Court hearing had concluded.[560]

417. Counsel representing the Director of Public Prosecutions discontinued the criminal proceedings on 11 May 1989.[561] After that had been done, DCS Alan Wheeler telephoned Roland Moyle of the Police Complaints Authority to inform him. Roland Moyle had in fact

553 Joint opinion by counsel submitted to the DPP, MPS033215001, p2, 25 April 1989.
554 Joint opinion by counsel submitted to the DPP, MPS033215001, p10, 25 April 1989.
555 Joint opinion by counsel submitted to the DPP, MPS033215001, pp11-12, 25 April 1989.
556 Report of DCS Alan Wheeler, MPS022461001, 23 May 1989.
557 Message from CPS London, MPS030779001, 10 May 1989.
558 Message from Isobel Hülsmann, MPS030775001, 10 May 1989.
559 Message from DCS Alan Wheeler to Isobel Hülsmann, MPS030777001, 10 May 1989.
560 Message from DCI Paul Blaker to Iris Morgan, MPS030778001, 10 May 1989.
561 Message from to DCS Alan Wheeler, MPS030774001, 11 May 1989.

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already spoken with the Metropolitan Police concerning the matter and told DCS Wheeler that he should continue his investigation with a focus on police involvement in the murder and that he would visit him the following week.[562]

418. Almost immediately following the end of the proceedings, solicitors acting for Jonathan Rees wrote to the Chief Constable of Hampshire Constabulary informing him of their intention to commence a civil action against the police and to seek damages for malicious prosecution and unlawful imprisonment on behalf of Jonathan Rees.[563] Proceedings were commenced on 18 December 1990.[564] Paul Goodridge also later commenced civil proceedings, on 08 May 1992.[565]

419. In the High Court on 11 December 1996, Jonathan Rees's action was struck out on the grounds of unreasonable delay by him. The reasons for this decision included in part that Jonathan Rees's solicitors had initially served the writ and statement of claim on Hampshire County Council rather than on the Chief Constable and had then taken an inordinate length of time to seek leave to amend the documents. Subsequently his legal advisors, according to the judge, had acted '*unreasonably and even improperly* […] *spinning a yarn*'.[566] He appealed but, on 08 December 1997, the Court of Appeal upheld the decision.[567,568]

420. On 24 April 1998, at the High Court in Winchester, the proceedings in respect of Paul Goodridge were settled '*out of court*' on the basis that Hampshire Constabulary accepted that Paul Goodridge was prosecuted for murder '*without reasonable and probable cause*' but that he accepted that this was not done maliciously. Both sides agreed to pay their own costs.

421. The civil proceedings provide yet another example of DCS Alan Wheeler making a comment at one stage of his involvement in matters relating to Daniel Morgan and later contradicting himself. In his report to the Director of Public Prosecutions in February 1989 he had said, '[t]*he evidence against GOODRIDGE is not good in relation to the murder charge*' (see paragraph 386 above). However, in the statement he made in 1996 in connection with the civil proceedings he said, '*I honestly believed that there was sufficient evidence to charge* […] *GOODRIDGE with the murder of Daniel MORGAN. I believed* [him] *to be guilty of murder and I believe that there was sufficient evidence to secure a conviction.*'[569] This was noted by the junior barrister representing the Chief Constable of Hampshire, who in February 1998 sent a note to leading Counsel stating, '[i]*n my view we should do our best to avoid disclosing Mr Wheeler's report to the DPP dated 23.2.89*' because of this.[570]

422. It was reasonable for the three suspects to have been arrested: Jonathan Rees in connection with the murder and all three for conspiracy to pervert the course of justice. However, the decision to charge them was not justified.

562 Message from DCS Alan Wheeler to Roland Moyle, MPS030773001, 11 May 1989.
563 Letter to the Chief Constable, Hampshire Constabulary, MPS039553001, 12 May 1989.
564 Writ of Summons, HAM000259001, 18 December 1990.
565 Writ of Summons, HAM000798001, 08 May 1992.
566 William Jonathan REES v Chief Constable of Hampshire, HAM000228001, p12, 03 February 1997.
567 '*Headline Report for Hampshire Civil Claims*' prepared by legal advisors to the Panel based on analysis of Hampshire DPS Legal Professional Privilege material and correspondence between Hampshire County Council and Hampshire Constabulary, HAM000490001, 04 June 2001.
568 Rees v Chief Constable of Hampshire and Another, All England Official transcripts (1997 – 2008).
569 Witness statement of DCS Alan Wheeler, HAM000315001, p61, para 186, 24 July 1996.
570 Note by Counsel dated 20 February 1998. D501 contained in Volume 2, behind tab 62.

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9.4 The case of former Police Officer Z31

423. A further line of enquiry was the case of a former police officer whose circumstances were first brought to the attention of the Morgan One Investigation on 23 June 1988, the day before DCS Alan Wheeler was appointed.[571]

424. A Metropolitan Police Constable had contacted the Morgan One Investigation Major Incident Room and suggested that former Police Officer Z31 be considered as a possible suspect for the murder of Daniel Morgan.[572]

425. Former Police Officer Z31 was awaiting trial for assaulting six off-duty police officers in Richmond. He also fitted the description of a man wanted for a serious assault on a young girl on a train. More significantly, he was wanted for assaulting a man with an axe.[573] However, no enquiries were carried out in respect of the information by the Morgan One Investigation. No reasons for this lack of action have been found by the Panel, although it must be presumed that the timing of the receipt of the information, coinciding as it did with the appointment of DCS Alan Wheeler, may have been a contributing factor.

426. Police Officer Z31 had joined the Metropolitan Police in 1979 and early in his career he had been described as '*a supervisor's nightmare*'.[574] Colleagues were reluctant to work with him because of his reputation for violence and, in March 1986, he appeared at the Central Criminal Court at the Old Bailey, charged with assaulting a member of the public and with attempting to pervert the course of justice. He was acquitted of both charges (although he was bound over in the sum of £100 to keep the peace regarding the assault charge),[575] but the following month he resigned from the Metropolitan Police.[576]

427. At the time of his resignation, Police Officer Z31 lived in South Norwood, on the same street as Jonathan Rees. In June 1986, he and his wife left this address and became licensees of a public house in Hampton and later of a public house in Welling.[577]

428. In March 1988, former Police Officer Z31 and two other men were charged with attacking a repossession agent who was attempting to recover a motor vehicle on behalf of a hire purchase company, work similar to that frequently carried out by Daniel Morgan. Former Police Officer Z31 is said to have used a small axe, with which he almost severed the foot of the repossession agent. However, he was later acquitted of this charge, apparently on the basis of weak identification evidence.[578,579]

429. On 07 February 1989, former Police Officer Z31 assaulted his estranged wife, while he was armed with an axe. During the assault he had threatened to kill his wife, and the axe was identical to that used to kill Daniel Morgan,[580] a '*felling axe, "Diamond brand" made in China* […] [with] *the initials "HZ" which are stamped into the blade*'. The brand was quite widely available from retail outlets in London at the time.[581] A Detective Constable from Thamesmead Criminal

571 Message to DI Allan Jones, MPS012952001, 23 June 1988.
572 Message to DI Allan Jones, MPS012952001, 23 June 1988.
573 Report of DCI Thomas Smith, MPS007382001, p5, 08 May 1996.
574 Report of DCI Thomas Smith, MPS007382001, p5, 08 May 1996.
575 Report of a Detective Sergeant, MPS024098001, p1, 06 March 1989.
576 Report of DCI Thomas Smith, MPS007382001, p5, 08 May 1996.
577 Report of DCI Thomas Smith, MPS007382001, p5, 08 May 1996.
578 Report of DCI Thomas Smith, MPS007382001, p5, 08 May 1996.
579 Report of a Detective Sergeant, MPS022337001, pp2-3, 06 March 1989.
580 Report of a Detective Sergeant, MPS022337001, p3, 06 March 1989.
581 Witness statement of retail owner MPS035289001, 27 February 1989.

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Investigation Department (CID), involved in the investigation of the assault on the estranged wife, contacted the Hampshire/Police Complaints Authority Investigation on 22 February 1989 to draw attention to former Police Officer Z31 as a possible suspect for the murder of Daniel Morgan.[582]

430. The Thamesmead officer had been assisted during his investigation by DC Alan Purvis,[583] one of the Catford detectives who had been arrested in 1987 on suspicion of murdering Daniel Morgan and who had subsequently been transferred to Thamesmead. It is assumed by the Panel that DC Purvis had probably recognised the potential significance of former Police Officer Z31, and this prompted the investigating officer to pass on the information the following day.

431. However, in an undated Metropolitan Police review document disclosed to the Panel, it was considered to be '*significant*' that Jonathan Rees had been charged with murder by the Hampshire/Police Complaints Authority Investigation on 02 February 1989, only six days prior to the Detective Constable from Thamesmead CID contacting the Hampshire/Police Complaints Authority Investigation on 08 February 1989. The same undated review document also suggested that this may have been an '*orchestrated attempt to encourage the murder investigation team to look at another suspect possibly casting doubt on the prosecution case against Jonathan Rees*'.[584]

432. While this may have been the case, and the Panel is not in a position to arrive at a conclusion, it is the Panel's view that sufficient evidence and information were in the possession of the Hampshire/Police Complaints Authority Investigation for former Police Officer Z31 to have been a suspect, with or without the possible links between Jonathan Rees and DC Alan Purvis.[585]

433. On 27 February 1989 actions were raised and instructions issued:

i. to visit the hardware shop where former Police Officer Z31 bought his axe and to obtain a statement;[586]

ii. to inspect his Metropolitan Police personnel file;[587]

iii. to take a statement from his estranged wife;[588]

iv. to establish his whereabouts on 09 and 10 March 1987;[589]

v. to identify previous telephone numbers to which he had access;[590] and

vi. to establish the current status of the criminal proceedings against him.[591]

582 Report of a Detective Sergeant, MPS022338001, 22 February 1989.
583 Report of DCI Thomas Smith, MPS007382001, p6, 08 May 1996.
584 Document entitled 'Daniel Morgan', MPS071789001, p3, undated.
585 The investigating officer certainly did not feel that he was being manipulated. On 26 June 2002, shortly after the 'Morgan Two' Investigation had been established, he telephoned the Major Incident Room from retirement and drew attention to former Police Officer Z31 once again, indicating that he should be a strong suspect, MPS007381001, 26 June 2002.
586 Action A646, *'Visit Hampton Hardware T/ST re axe used by* [Police Officer Z31]*'*, MPS032324001 27 February 1989.
587 Action A647, *'Inspect personal file of* [former Police Officer Z31]*'*, MPS032323001, 27 February 1989.
588 Action A648, *'T/ST the estranged wife of* [former Police Officer Z31]*'*, MPS032322001, 27 February 1989.
589 Action A649, *'Establish whereabouts of* [Police Officer Z31] *on night of 09 / 100387'*, MPS032321001, 27 February 1989.
590 Action A650, *'I/D previous telephone numbers re* [Police Officer Z31]*'*, MPS032320001, 27 February 1989.
591 Action A651, *'Re* [Police Officer Z31]*: was any prosecution charge "dropped"'*, MPS032319001, 27 February 1989.

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434. A statement had already been obtained by a Metropolitan Police investigator from the shop where the axe had been purchased and a copy had been passed on to the Hampshire/Police Complaints Authority Investigation.[592] Former Police Officer Z31's personnel file was obtained from the Metropolitan Police but revealed nothing of relevance. The status of the criminal charges was ascertained.

435. By 06 March 1989, former Police Officer Z31's wife had been seen by a member of the Hampshire/Police Complaints Authority Investigation and provided some interesting and relevant information, although she had declined to make a written statement as she was in fear of the consequences were her husband to find out. She told the Hampshire officer that, while she could not recall meeting Jonathan Rees or any of his family when she and her husband lived on the same street in South Norwood as Jonathan Rees, at that time her husband was in the habit of frequenting several public houses in South Norwood and in Sydenham. She listed six such premises and these included the Golden Lion and the Dolphin public houses in Sydenham.[593]

436. His wife also stated that she had seen her husband carry an axe on previous occasions, both in his vehicle and on his person.[594]

437. She went on to say that in 1987 he had been in possession of a gold coloured wristwatch, which he told her was a replica Rolex make that he had bought '*from two gypsies*' for £25. This watch was later reported stolen during a burglary at one of the public houses he managed after he had resigned from the Metropolitan Police, although she believed that former Police Officer Z31 himself had been responsible for the burglary and that he had sold the watch to a customer.[595]

438. Former Police Officer Z31's wife also said that he had told her previously that he had '*hurt people*' for money and explained '*where do you think we get the money?*'.[596]

439. The information from former Police Officer Z31's wife, accounts of the assaults described above and other relevant information such as previous telephone numbers, names of associates and the identity of his current girlfriend, were recorded by the Hampshire/Police Complaints Authority Investigation.[597]

440. Twenty-two investigative actions were identified by the Statement Reader, DS David Kilbride, following the receipt of this information, including suggestions that former Police Officer Z31's associates and current girlfriend should be interviewed, that enquiries should be made concerning the burglary at the public house where the Rolex watch was allegedly stolen, that enquiries should be made at the public houses such as the Golden Lion, which he reportedly frequented, and that his bank account be examined. Inexplicably, DCI Paul Blaker did not ensure that this was done, but on 12 April 1989 merely noted that '[t]*his matter is being fully covered by DI Witt*'.[598] The Panel has not been able to find any documentation produced by DI Trevor Witt that dealt with these issues, and there is no evidence that any of the enquiries were carried out.

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592 Witness statement of shop owner, MPS035289001, 27 February 1989.
593 Report of a Detective Sergeant MPS022337001, pp3-4, 06 March 1989.
594 Report of a Detective Sergeant, MPS022337001, p4, 06 March 1989.
595 Report of a Detective Sergeant, MPS022337001, pp4-5, 06 March 1989.
596 Report of a Detective Sergeant, MPS022337001, p5, 06 March 1989.
597 Report of a Detective Sergeant, MPS022337001, 06 March 1989.
598 Report of a Detective Sergeant, MPS023032001, p5, 06 March 1989.

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441. The 22 investigative actions identified by DS David Kilbride were all relevant and sensible actions, which should have been undertaken. Most of them were not pursued. Enquiries should have especially been made at the Golden Lion and Dolphin public houses in Sydenham, to try to establish the extent to which former Police Officer Z31 frequented both premises, to establish if he was known to associate with anyone implicated in the enquiry and to ascertain if he had been present on the nights of 09 or 10 March 1987.

442. Former Police Officer Z31's wife passed two of her husband's 1986 diaries to the Hampshire/Police Complaints Authority Investigation, one of which was examined, and research carried out in respect of entries for names, addresses and telephone numbers.[599] Also a check was made to ascertain whether Jonathan Rees's mobile phone had been used to telephone former Police Officer Z31. Nothing of significance was discovered.[600,601,602]

443. On 28 April 1989, DCI Paul Blaker and DI Rex Carpenter considered the possibility of interviewing former Police Officer Z31, but this was not done.[603] The Panel has been unable to ascertain why not.

444. Enquiries were made to establish former Police Officer Z31's whereabouts on 09 and 10 March 1987. On 28 July 1989, a member of the Hampshire/Police Complaints Authority Investigation submitted a report stating that it had been impossible to do so. At the time of Daniel Morgan's murder, former Police Officer Z31 and his wife had been managing a public house in Hampton. The officer had spoken with former Police Officer Z31's wife who told him that her husband spent little time at the premises and that she was unable to say where he was on those dates.[604] No further action to pursue this issue was taken by the Hampshire/Police Complaints Authority Investigation.

445. No assumption can be made that former Police Officer Z31 was involved in Daniel Morgan's murder. Nevertheless, DCS Alan Wheeler gathered sufficient information to justify treating former Police Officer Z31 as a suspect:

i. Former Police Officer Z31 was a violent man and was known to use an axe, a weapon which is used very rarely in homicides and assaults in the UK.[605] When he broke into his estranged wife's home he was armed with one identical to that used to kill Daniel

599 Report of a Detective Sergeant, MPS023030001, 10 March 1989.
600 Report of a Detective Sergeant, MPS022335001, 20 March 1989.
601 Action A702, *'Research carphone prints REES re numbers listed R7AR'*, MPS032834001, 04 April 1989.
602 Report of a Police Constable, MPS022631001, 05 April 1989.
603 Message from DCI Paul Blaker to DI Rex Carpenter, MPS030797001, 02 May 1989.
604 Report of a Detective Sergeant, MPS022327001, 28 July 1989.
605 An examination of the National Injuries Database conducted by the National Crime Agency on behalf of the Panel, for offences of homicide and assault involving an axe, revealed only 17 such cases nationally since 1992 (the earliest year for which data is available) of which only ten involved injuries to the head or face. Of these ten, in only three were there no defensive injuries. However, the data is incomplete. An analysis of Home Office Homicide Index data from 2001 to 2019, also carried out by the National Crime Agency on behalf of the Panel, revealed 27 homicides in England and Wales in which an axe/hatchet was confirmed as the murder weapon. Only nine of these cases occurred within the Metropolitan Police District. National Crime Agency case reference OP128694.

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Morgan[606] and he had also in the past allegedly attacked a vehicle repossession agent with an axe.[607]

ii. He and Jonathan Rees previously lived in the same street.

iii. He was reported to frequent the public house in which Daniel Morgan was murdered.

iv. He was also reported to have frequented one of the public houses used by Jonathan Rees, former DS Sidney Fillery and members of the Catford Crime Squad.

v. As a police officer who previously served in South London, he is likely to have known members of the Catford Crime Squad and perhaps Jonathan Rees.

vi. His wife said that in 1987 he was believed to have been in possession of a Rolex watch which he claimed to have bought from 'gypsies'.

446. Former Police Officer Z31 died in 2003.[608]

447. The Panel asked former DS David Kilbride whether either DCS Alan Wheeler or DCI Paul Blaker had told him why the investigative actions he had suggested, both in the case of former Police Officer Z31 and in any of the other matters that the Panel drew to his attention, had not been carried out, and he said that they had not. Nor could he remember whether former Police Officer Z31 had been discussed at the weekly conferences held by the Hampshire/Police Complaints Authority Investigation. On being shown the copy of the report of 06 March 1989 referred to above with which he had dealt, he said that it was clear from the way in which he had marked it up that he had got quite excited about former Police Officer Z31 as a potential suspect. He could not explain why former Police Officer Z31 had not been looked at more thoroughly, as in his opinion he was '*a good candidate*'.[609]

448. The Panel also asked former DS David Kilbride whether it was possibly the case that former Police Officer Z31 was not investigated more closely because to have done so might have undermined the case against Jonathan Rees, Paul Goodridge and Jean Wisden, who had been charged with Daniel Morgan's murder only a few days before former Police Officer Z31 had been drawn to the attention of the Hampshire/Police Complaints Authority Investigation. Former DS Kilbride thought that this was not the case and pointed out that if former Police Officer Z31 could have been shown to be an associate of Jonathan Rees it would have strengthened the case against the three people, but he was unable to say why more action had not been taken.[610]

449. The Panel asked DCI Paul Blaker about this issue when it met with him. However, he stated that, while former Police Officer Z31's name was familiar to him, he was unable to remember any detail about the matter.[611]

606 Report of a Detective Sergeant, MPS022337001, p3, 06 March 1989.
607 Police records disclosed to the Panel also reveal that in October 1992 he was allegedly involved in another incident at which he was armed with an axe, MPS040088001, p6, 19 October 1992.
608 Message received by DCI Neil Hibberd, MPS060055001, 17 September 2003.
609 Panel interview of former Supt David Kilbride, PNL000269001, 28 June 2016.
610 Panel interview of former Supt David Kilbride, PNL000269001, 28 June 2016.
611 Panel interview of former Supt Paul Blaker, PNL000240001, 26 July 2016.

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450. While there was no direct evidence linking former Police Officer Z31 to the murder of Daniel Morgan, and the information in the possession of the Hampshire/Police Complaints Authority Investigation may have amounted to nothing more than coincidence, there was ample justification to have regarded him as a suspect. There were sufficient grounds to have arrested him. At the very least he should have been interviewed. Furthermore, more effort should have been taken to establish whether there was a connection between him and Jonathan Rees, or with any other person thought to be implicated in Daniel Morgan's death.

This matter was not properly investigated. Former Police Officer Z31 was not even mentioned in the report which DCS Alan Wheeler later sent to the Police Complaints Authority.[612] This line of enquiry was not treated with the gravity it merited and was a failing of DCS Wheeler's investigation.

9.4.1 Later developments concerning former Police Officer Z31

451. Sometime after the conclusion of the Hampshire/Police Complaints Authority Investigation, the Metropolitan Police reopened enquiries into former Police Officer Z31's possible involvement in the murder of Daniel Morgan.

452. In the years following the Hampshire/Police Complaints Authority Investigation, Isobel Hülsmann and Alastair Morgan continued to lobby and to pressurise the Metropolitan Police and others about the case. As a result of this activity, in early 1996 DAC Roy Clark directed that a review of the case papers be conducted. This was carried out by an inspector from the Complaints Investigation Bureau who realised that the line of enquiry relating to former Police Officer Z31, embarked upon by the Hampshire/Police Complaints Authority Investigation, had not been concluded. DCI Thomas Smith was then instructed to examine the matter. He reviewed the databases of the Morgan One and Hampshire/Police Complaints Authority investigations, visited Hampshire Constabulary headquarters and consulted with members of the Hampshire/Police Complaints Authority Investigation.[613]

453. In May 1996, DCI Thomas Smith reported that he had noted that Daniel Morgan's mobile telephone records had not been researched to identify any possible connection with former Police Officer Z31 and so he had prompted this to be done. There was no recorded contact between the two men. He went on to conclude that the Hampshire/Police Complaints Authority Investigation had '*thorough* [sic] *researched*' former Police Officer Z31 and that there was insufficient evidence available then or now to justify his arrest.[614]

454. DCI Thomas Smith stated that he had considered interviewing former Police Officer Z31 but had decided not to do so because local police officers had described his current mental state as '*suffering from delusion*' and that he was receiving treatment; therefore, any interview would be '*valueless*'. He recommended that Daniel Morgan's family be informed that there was insufficient evidence against former Police Officer Z31.[615]

612 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, 04 September 1989.
613 Report of DCI Thomas Smith, MPS007382001, 08 May 1996.
614 Report of DCI Thomas Smith, MPS007382001, 08 May 1996.
615 Report of DCI Thomas Smith, MPS007382001, 08 May 1996.

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455. The decision by DAC Roy Clark to reopen the investigation insofar as it related to former Police Officer Z31 was merited. The initial examination of the case papers carried out by the Complaints Investigation Bureau revealed the incomplete nature of the Hampshire/Police Complaints Authority Investigation into former Police Officer Z31. Unfortunately, the subsequent 1996 review appears to have been superficial. DCI Thomas Smith was wrong to conclude that there was insufficient evidence to justify former Police Officer Z31's arrest.

456. However, in October 1997, DAC Roy Clark once again referred the issue of former Police Officer Z31 for investigation[616] and D/Supt Albert Patrick was appointed to lead the enquiry. D/Supt Patrick maintained a policy file and his first decision recorded in that document was to have former Police Officer Z31 interviewed '[i]*n accordance with the letter from DAC Roy CLARK of 10/10/97*'. The reason for the decision is given as '*Commissioner is to see family of Danny Morgan on 7th November 1997*'.[617]

457. D/Supt Albert Patrick conducted his investigation in accordance with established practices,[618] although, due to the limited scope of his task, he decided neither to use HOLMES, nor to index documents.[619] He gathered all the available material about former Police Officer Z31, and caused enquiries to be made with the Forensic Science Service, with former Police Officer Z31's previous employers and with police officers who had previously dealt with him. Intelligence records were also examined and both his first wife and estranged second wife were interviewed. The personnel file of former DS Sidney Fillery was examined to establish whether there was any link between him and former Police Officer Z31. D/Supt Patrick noted that '[t]*his aspect does not appear to have been addressed by Hampshire and may be significant during interview*'.[620] A total of 20 actions[621] were raised, six incoming messages[622] recorded, and eight policy decisions made.[623]

458. On 22 October 1997, D/Supt Albert Patrick recorded in his policy file that, '[h]*aving reviewed all the information now obtained I am satisfied that there are grounds to afford reasonable suspicion which would justify an arrest*'.[624]

459. On 11 November 1997, former Police Officer Z31 was arrested by Metropolitan Police officers and interviewed about Daniel Morgan's murder in the presence of his solicitor. He refused to answer any questions and was released without charge. He was not eliminated as a suspect.[625,626]

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616 Letter from DAC Roy Clark to DAC William Griffiths, PNL000045001, pp139-140, 10 October 1997.
617 Policy File of D/Supt Albert Patrick, decision no. 1, MPS016323001, 13 October 1997.
618 MIRSAP.
619 Policy File of D/Supt Albert Patrick, decision no. 2, MPS016324001, 16 October 1997.
620 Policy File of D/Supt Albert Patrick, decision no. 7, MPS016329001, 22 October 1997.
621 Metropolitan Police docket CR201/87/93, PNL000045001, pp6-65, 16 to 23 October 1997.
622 Metropolitan Police docket CR201/87/93, PNL000045001, pp66-72, 14 October to 05 November 1997.
623 Metropolitan Police docket CR201/87/93, PNL000045001, pp167-175, 13 October to 04 November 1997.
624 Policy File of D/Supt Albert Patrick, MPS016327001, 22 October 1997.
625 Minute from Cdr William Griffiths to DAC Roy Clark, PNL000045001, p3, 19 November 1997.
626 Report of a Detective Sergeant, PNL000045001, p4, 11, November 1997.

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460. DAC Roy Clark correctly required the matter to be re-examined in 1997 and directed that former Police Officer Z31 be re-interviewed. It is not clear what prompted this re-examination. The investigation then carried out by D/Supt Albert Patrick was thorough and properly documented with lengthy and well-reasoned policy decisions. Indeed, it is a textbook example of how such matters should be addressed.

461. In 2001, former Police Officer Z31's fingerprints were checked by the Metropolitan Police Fingerprint Bureau against outstanding marks recovered from exhibits seized during the Morgan One Investigation, but they were not identical to the outstanding marks.[627]

462. In 2007, as part of the Abelard Two Investigation and seeking to take advantage of advances in forensic science which had occurred since the time of Daniel Morgan's murder, DNA samples were recovered from the axe used to kill him. The DNA samples of a number of suspects were compared with the samples from the axe but no matches were found. Former Police Officer Z31's DNA was not among those checked, as the profile obtained from a DNA sample he had provided some years earlier was not suitable to be compared with those from the axe. The samples of those police officers who had come into contact with the axe were also compared for elimination purposes. One of them was by that time deceased but, with the assistance of his wife, a sample was obtained from a family member and was thus able to be checked. The Panel has discussed this matter with the Metropolitan Police and with the forensic scientist involved and the same method used in respect of the deceased officer in 2007 would be feasible to be used in respect of former Police Officer Z31.

RECOMMENDATION

463. The Panel recommends that the Metropolitan Police consider the desirability and explore the possibility of obtaining samples of DNA from former Police Officer Z31's relatives, to compare it with the outstanding DNA recovered from the axe.

9.5 Investigative actions

464. There were 861 investigative actions raised during the 'Operation Drake' phase of the Hampshire/Police Complaints Authority Investigation.[628] There were significant delays of up to nine months in the completion of many of them, including some potentially important enquiries. For example:

i. On 09 September 1988, it was decided that Police Officer N21, who had been introduced to Jonathan Rees by former DS Sidney Fillery, and who was a member of the Catford Crime Squad, should be interviewed about his knowledge of Daniel Morgan and Jonathan Rees. He was not seen until seven months later, on 06 April 1989, by which time he had left the Metropolitan Police and was working for Jonathan Rees and Sidney Fillery at Southern Investigations.[629]

627 Results of fingerprint comparisons for former Police Officer Z31, MPS109542001, pp5-8, 14 May 2001 and 05 August 2009.
628 HOLMES computer printout of Operation Drake action resumes and text, MPS020593001, 27 June 2000.
629 Action A80, MPS031214001, 09 September 1988.

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ii. On 28 September 1988, it was decided that a statement should be taken from a witness about the movements of Jonathan Rees on the day of Daniel Morgan's murder.[630] No action was taken to obtain the statement for seven months, until 19 April 1989, more than two months after Jonathan Rees had been charged with murder.

iii. On 07 December 1988, it was decided that a statement should be taken from a *Daily Mirror* journalist who had received a telephone call alleging that Paul Goodridge was responsible for Daniel Morgan's death.[631] The information had been received by the Morgan One Investigation on 28 July 1988,[632] but was not recorded on the Hampshire/Police Complaints Authority Investigation HOLMES database until 03 November 1988.[633] No officer was tasked with taking the statement until 16 March 1989, six weeks after Paul Goodridge had been charged with murder. The statement was not obtained until 29 March 1989, eight months after the information had been received.[634]

465. The Hampshire/Police Complaints Authority Investigation became aware of the information about Paul Goodridge at the beginning of November 1988, but it did not obtain a witness statement from the journalist who received that information until the middle of March 1989. The Panel has been unable to identify any explanation for the lengthy delay in completing the action on the part of the Hampshire/Police Complaints Authority Investigation.

466. Of the 861 investigative actions raised during the Hampshire/Police Complaints Authority Investigation, 115, or 13 per cent, were never dealt with.[635] In the aftermath of the decision to discontinue proceedings against those who had been charged, no further action was taken on these matters. Some of these actions had been outstanding since September 1988 and the vast majority since before the arrests were made on 31 January 1989.

467. Many of these matters should have continued to be investigated despite the discontinuance of proceedings, since the murder remained unsolved and the issue of possible police involvement had not been thoroughly investigated. It is incomprehensible why the remaining investigative actions were not dealt with during 'Operation Plymouth' following the decision to discontinue proceedings.

630 Action A181, MPS031458001, 28 September 1988.
631 Action A474, MPS031907001, 07 December 1988.
632 Telephone call from D/Supt Douglas Campbell, MPS012984001, 28 July 1988.
633 Operation Drake typed copy of Morgan One message regarding telephone call from D/Supt Douglas Campbell on 28 July 1988, MPS028343001, 03 November 1988.
634 Witness statement, MPS011052001, 29 March 1989.
635 Panel research of HOLMES system.

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10 Operation Plymouth

468. Following the collapse of the criminal prosecution against Jonathan Rees, Paul Goodridge and Jean Wisden, DCS Alan Wheeler discussed the case with Roland Moyle and it was agreed that the investigation should continue, albeit that it would concentrate on '*police involvement*'.[636] Roland Moyle had earlier noted that, once the phase of the operation involving Jonathan Rees, Paul Goodridge and Jean Wisden was completed, '*WHEELER will concentrate on the role of FILLERY and his colleagues*'.[637]

469. Operation Drake was ostensibly concluded and a separate operation, Operation Plymouth, focusing on the original wording of the Terms of Reference and using a separate database (although linked to the Drake database), was established. It was recorded that the investigation into Daniel Morgan's murder was completed and so the decision was also taken to transfer the Operation Drake database and related documentation to the Metropolitan Police.[638]

470. The Operation Plymouth phase of the Hampshire/Police Complaints Authority Investigation commenced on 26 May 1989.[639] The first action was raised on 07 June and the last on 10 July 1989. Sixty-two actions were raised in all, of which eight were not issued and were subsequently marked as '*NFA*' (No Further Action). The focus was entirely on police officers who had either been members of the Morgan One Investigation or who were thought to have been associated with events on 09 and 10 March 1987, or with Belmont Car Auctions.

471. However, there was not a 'clean break' and Operation Drake actions continued to be raised after Operation Plymouth started and were still being raised after the last Operation Plymouth action was raised, even though many of the Operation Drake actions were marked '*NFA*' and filed before they could be allocated. A number of outstanding Operation Drake actions were also transferred to Operation Plymouth.

472. The Panel notes the logic behind the decision to establish a '*new*' operation, albeit one that was a continuance of Operation Drake. However, the Panel cannot also help but note that Operation Drake had in effect initially been what Operation Plymouth was intended to be (i.e. an investigation of police involvement), but it had transformed into a full murder investigation without a change of name or the establishment of a new database. The question might be asked, what really was the point of a new name and database? The two aspects of the operations were inextricably linked, as the original December 1988 decision to move to a full murder investigation demonstrated.

10.1 The Catford Crime Squad and the Morgan One Investigation team

473. Suspicions had arisen during the Morgan One Investigation about the Catford Crime Squad, and the conduct of other officers stationed at Catford (see Chapter 1, The Morgan One Investigation).

636 Telephone conversation between DCS Alan Wheeler and Roland Moyle, MPS030773001, 11 May 1989.
637 Extract from Police Complaints Authority minute sheet concerning the investigation into the murder of Daniel Morgan, made by Roland Moyle, MPS104952001, 03 February 1989.
638 SIO Policy Document Operation Drake, decisions 30 and 31, MPS035201001, pp4-5, undated.
639 SIO & DSIO Policy Document Operation Plymouth, MPS027915001, 26 May 1989.

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474. In September 1988, DCS Alan Wheeler decided to re-interview all 38 officers who had responded to a Morgan One Investigation questionnaire stating that they knew or had met Jonathan Rees or Daniel Morgan.[640] There were 19 officers identified as having been members of the Catford Crime Squad during the relevant period of 1987 and 58 actions were raised in relation to them, the majority instructing that they be interviewed about their knowledge of Daniel Morgan and Jonathan Rees.[641] (The Morgan One Investigation questionnaire contained nine questions which, among other things, asked if the officer had met either man and if so, where and in what circumstances.) In some instances, usually if they were supervisory officers, they were also asked by the Hampshire/Police Complaints Authority Investigation what they knew of former DS Sidney Fillery and of DC Peter Foley and DC Alan Purvis.[642] The work was carried out between September 1988 and May 1989 and, where appropriate, statements were taken. Eighteen of the actions were endorsed '[d]*oes not appear to know Rees or victim*'. No information was obtained that took the investigation forward.

475. Officers who had worked on the Morgan One Investigation were also seen. On 03 and 04 May 1989, 35 actions were raised to interview those officers who had not already been interviewed during the course of the Hampshire/Police Complaint Authority Investigation.[643,644] The actions instructed that the subjects' background be researched before they were seen and they were asked to provide accounts of what duties they had undertaken during the course of the investigation, and whether they knew Daniel Morgan, Jonathan Rees, former DS Sidney Fillery, DC Peter Foley or DC Alan Purvis. Their views were also sought concerning possible police involvement in the murder. There were 11 actions transferred to Operation Plymouth, presumably because they had not been completed by the time of the Director of Public Prosecution's decision to discontinue proceedings against Jonathan Rees and his co-accused on 09 May 1989.[645] No information was obtained that took the investigation forward.

10.1.1 DCs Peter Foley and Alan Purvis

476. Ten of the actions in Operation Plymouth related to DC Peter Foley and DC Alan Purvis,[646] and both officers were interviewed on 06 July 1989 by DCI Paul Blaker in the presence of their solicitors.[647] DC Peter Foley was reported to be '*still in a state of bewilderment*' concerning his arrest and the events that had led to it. He denied ever having heard of Daniel Morgan prior to his murder and stated his belief that the alleged robbery at Belmont Car Auctions did not provide a motive for that crime. He was aware that Jonathan Rees was the main suspect for the murder and could not therefore understand why former DS Sidney Fillery was still friendly with

640 Copy of Morgan One Investigation Questionnaire, MPS032008001, p1, 09 September 1988.
641 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, pp68-69, para 290, 04 September 1989.
642 Examples of reports generated from those actions were:
Report of DCI Paul Blaker, MPS023013001, 20 October 1988.
Report of DCI Paul Blaker, MPS023004001, 08 May 1989.
643 Action A797, MPS032652001, 03 May 1989 through to action A832, MPS032609001, 04 May 1989.
644 A839, MPS032601001, 05 June 1989.
645 Report of DCS Alan Wheeler, MPS022461001, 23 May 1989.
646 Action A4, *'Examine docs re DC PURVIS & report assessment'*, MPS028028001, 13 June 1989.
Action A5, *'Examine documentation relating to FOLEY'*, MPS028027001, 13 June 1989.
Action A9, *'Est from Belmont Car Auct. Role of FILLERY / PURVIS / FOLEY'*, MPS028022001, 13 June 1989.
Action A12, *'Int DC PURVIS re the meeting 140387 Crown PH'*, MPS028017001, 13 June 1989.
Action A13, *'Int DC FOLEY re meeting 140387 Crown PH'*, MPS028016001, 13 June 1989.
Action A25, *'Int PURVIS est reason for his presence Garden Gate PH'*, MPS028001001, 15 June 1989.
Action A40, *'Int PURVIS re CLAPTON Murder de brief 090387'*, MPS027985001, 16 June 1989.
Action A41, *'T/ST PURVIS re his presence Belmont Car Auct 190386'*, MPS027982001, 16 June 1989.
Action A43, *'Examine custody record of DC PURVIS'*, MPS027980001, 16 June 1989.
Action A47, *'Examine custody record of DC FOLEY'*, MPS027975001, 16 June 1989.
647 Report of DCI Paul Blaker, MPS027944001, 07 July 1989.

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him. He had never heard of Paul Goodridge or Jean Wisden. He himself denied any involvement in the murder and said that he was extremely upset that D/Supt Douglas Campbell had said at the Inquest that there was '*insufficient evidence*' against him as opposed to '*no evidence*' and that this had been an unjustified slur on his character.

477. DC Alan Purvis accepted that he had acted unprofessionally in connection with his involvement with Belmont Car Auctions, although like his colleague DC Peter Foley, he did not believe that the matter provided a motive for the murder of Daniel Morgan whom he had met on just one previous occasion. He denied any involvement in the murder and, like his colleague, he too was surprised that former DS Sidney Fillery was still associating with Jonathan Rees.

478. DCI Paul Blaker concluded that both DC Alan Purvis and DC Peter Foley came across as honest, and while he did not say so explicitly, intimated that he did not believe that they had been involved in the murder.[648,649] In his report to the Police Complaints Authority, DCS Alan Wheeler stated that, while both officers had '*acted in a naïve manner in relation to their activities concerning Belmont Car Auctions* […] [n]*o evidence* [...] *has been adduced to support* [either officer's] *involvement in the murder*'.[650]

10.1.2 Allegations of misconduct against D/Supt Douglas Campbell

479. The allegation that D/Supt Douglas Campbell was drunk when he arrived at the scene of the murder on the night of 10 March 1987 was drawn to DCS Alan Wheeler's attention by his staff.

480. DCS Alan Wheeler kept a '*suggestion book*' for the use of any member of his team who wished to bring something to his attention.[651] On 21 November 1988 the Office Manager, a Detective Sergeant, made a lengthy entry in the book setting out his thoughts on various matters relating to D/Supt Douglas Campbell and suggesting enquiries that might be made to establish the facts surrounding certain points. Part of the entry read:

> *'On the night of the murder, I like most others in the [Hampshire] incident room accept that D/SUPT CAMPBELL had been drinking prior to arrival at the scene. However whether he was drunk is a very different matter. What is clear is this – if he wasn't drunk, he was extremely incompetent in the way he handled the enquiry that night.'*[652]

481. It is of course the case that the Detective Sergeant was not in the incident room on the night of the murder. In November 2020, former D/Supt Douglas Campbell stated to the Panel that he refuted entirely any suggestion that he was intoxicated on the night of the murder.

482. The Office Manager had then listed a number of instances when D/Supt Douglas Campbell had failed to act effectively, including the failure to take notes of the conversation with Jonathan Rees on the night of the murder and the failure to seize his clothing. He speculated about possible reasons for these failures and concluded:

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648 Report of DCI Paul Blaker, MPS027944001, 07 July 1989.
649 Report of DCI Paul Blaker, MPS027943001, 07 July 1989.
650 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p80, para 344 (g), 04 September 1989.
651 SIO Policy Document Operation Drake, decision no. 10, MPS035201001, 25 July 1988.
652 Operation Drake suggestion book, MPS026866001, p 24, 21 November 1988.

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'I'm sure everyone agrees that a man of D/Supt CAMPBELL'S experience should not of [sic] *made the mistakes he did, even allowing for the shortage of manpower available to him at that time.'*[653]

483. This suggests that within the Hampshire/Police Complaints Authority Investigation, the subject of D/Supt Douglas Campbell's sobriety on the night of 10 March was discussed although as this is the only written record of the fact, it is not clear whether the discussion involved DCS Alan Wheeler and/or DCI Paul Blaker. Former DCS Wheeler told the Panel that he had been aware of the criticisms but said that in his view it was more a case that D/Supt Campbell liked to have a drink and there was no evidence that he was drunk.[654]

484. There is nothing within the papers disclosed to the Panel to show that the Office Manager's comments were considered, other than a written endorsement signed by DCI Paul Blaker that they had been noted. The Panel has asked Commander Alan Fry, who was the senior Metropolitan Police officer with responsibility for the area at the time of the Morgan One Investigation, if he had been made aware of the allegations. He responded that it was the first he had heard of them. He said that if he had known, he would have been '*aghast*' and D/Supt Douglas Campbell would not have remained the Senior Investigating Officer.[655]

485. Given the seriousness of the allegation, this matter should have been investigated. At the Inquest into Daniel Morgan's death, one witness said that the allegations of drunkenness had been propagated by Jonathan Rees with the intention of discrediting D/Supt Douglas Campbell.[656] While this may have been the case, if DCS Alan Wheeler thought that the subject was outside his Terms of Reference, it should have been reported to senior officers within the Metropolitan Police. There is no evidence that this was done.

That allegation against D/Supt Douglas Campbell has been in the public domain for a number of years and the Panel has concluded in Chapter 1 that, '[o]*ther than DC Noel Cosgrave's statement, there is no information to support the allegation that D/Supt Douglas Campbell was drunk at the scene of the murder*'. Nothing contained in the Hampshire/Police Complaints Authority papers would justify changing that conclusion.

11 The conclusion of the Hampshire/Police Complaints Authority Investigation and submission of DCS Alan Wheeler's final report to the Authority

486. No further investigative actions were raised after 10 July 1989 and it seems that the Hampshire/Police Complaints Authority Investigation then came to an abrupt end, as the uncompleted actions outstanding from Operation Drake were marked, '[i]*n view of DPP decision NFA D/SIO direction 12/07/89*', which meant that the Deputy Senior Investigating Officer had directed that no further action should be taken on these matters. The Panel has been unable

653 Operation Drake suggestion book, MPS026866001, p25, 21 November 1988.
654 Panel interview of former DCS Alan Wheeler, PNL000205001, 24 March 2015.
655 Panel interview of former Commander Alan Fry, PNL000233001,15 June 2016.
656 Transcript of the fourth day of the Inquest into the death of Daniel Morgan, MPS015476001, p59, 14 April 1988.

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to find any document that explains the rationale for the decision, and DCS Alan Wheeler's policy file is silent on the subject.[657] It has not been possible to discuss the subject with former DCS Wheeler, but former DCI Paul Blaker has stated that his recollection is that the decision was DCS Wheeler's and that he cannot recall if any consultations were undertaken before it was made.[658]

487. The Hampshire/Police Complaints Authority Investigation into the murder of Daniel Morgan came to a formal end with the submission of DCS Alan Wheeler's final report to the Police Complaints Authority on 04 September 1989.[659] It was '*supported by over 400 statements made by witnesses and police officers, a full transcript of the inquest held into the death of Daniel Morgan, photographic evidence and 9 volumes of other documents*'.[660]

488. In his report, DCS Alan Wheeler set out the circumstances, as they were known, of Daniel Morgan's murder and the background to the case. He dealt with the allegations of police involvement and documented in detail the evidence given by Kevin Lennon. He also set out his findings in relation to Jonathan Rees, former DS Sidney Fillery and others. He concluded:

> *'There is circumstantial evidence which strongly indicates REES and GOODRIDGE are involved in the murder of MORGAN albeit insufficiently cogent in the view of the Director of Public Prosecutions to persuade him to continue proceedings.'*[661]

489. He went on to say that there was no evidence '*to implicate a Police Officer by name or the Police in general as being involved in the murder*', nor was there any '*evidence of wilful action(s) on behalf of any member of the Metropolitan Police Murder Investigation squad to prevent the murder being properly detected*'.[662]

490. In relation specifically to former DS Sidney Fillery, DCS Alan Wheeler concluded that there was '*no evidence to implicate* [him] *in the murder or any kindred matter other than that provided by a convicted fraudsman*'[663] (i.e. Kevin Lennon). However, he did say that '[h]*is involvement at Belmont Car Auctions may have been the subject of discipline*'.[664]

11.1 DCS Alan Wheeler's commentary on the Morgan One Investigation and alleged police criminality

491. DCS Alan Wheeler had not been explicitly tasked by his Terms of Reference with reviewing and reporting on the efficacy of the Morgan One Investigation, although it is clear from the remarks made by members of the Police Complaints Authority at the time of the arrests of Jonathan Rees and others at the end of January 1989 and again after the discontinuation of proceedings in May 1989 that there was an expectation that he would do so. In his report DCS Wheeler did comment to a limited extent on how the Metropolitan Police Investigation had been conducted and discussed possible criminality on the part of some police officers linked to

657 SIO & DSIO Policy Document Operation Plymouth, MPS027915001, 07 June 1989.
658 Letter from former Supt Paul Blaker to the Panel, 24 January 2017.
659 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, 04 September 1989.
660 Police Complaints Authority Interim Statement relating to allegations against officers of the Metropolitan Police, MPS026296001, p3, 12 February 1990.
661 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p79, para 344 (a), 04 September 1989.
662 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, pp79-80, paras 344(c) and 344 (f), 04 September 1989.
663 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, pp80-81, para 344 (i), 04 September 1989.
664 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p80, para 344(h), 04 September 1989.

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the investigation. While he made several adverse remarks, his conclusions were on the whole positive, although it will be shown that the views he expressed were inconsistent and subject to change a number of times, both before and after he submitted his report.

492. In his report he set out his approach to the issues as follows:

> *'*[Allegations that the murder had been arranged or committed by police officers] *caused* [me] *to review in depth particular aspects of the murder and the subsequent investigation. In reviewing and analysing the investigation it was necessary to take into account the policy of the Metropolitan Police in relation to murder investigation. The numerical strength of the investigation squad had to be borne in mind. It was a conscious decision not to seek to apportion blame for pernickety reasons unless matters were disclosed which were justly meritous* [sic] *of blame. Any failure, no matter how small, which directly or indirectly indicated Police involvement in the murder or any deliberate Police action following the murder to prevent its detection, was examined.'*[665]

493. His first criticism was of the Morgan One Investigation's failure to establish the veracity of DS Sidney Fillery's alibi for the night of 10 March 1987. He said:

> *'The question of verifying an alibi, given in support of the fact of having no opportunity of committing the crime, should have been pursued at the time and this was not done by the Metropolitan Enquiry Team.'*[666]

494. He was also dissatisfied with the way in which Jonathan Rees had been handled in the initial stages of the investigation, saying, '*REES, having been identified as the last person to have seen MORGAN alive, should have been viewed at that early juncture as a suspect*[...]. *The manner in which* [he] *was initially treated was superficial from a forensic point of view. This situation was irrecoverable* [...]', although he then went on to say that he could find no evidence that '*the failure to examine REES or to take his clothing or to search his house or car, was deliberately contrived to prevent the possible finding of vital evidence*'.[667]

495. However, these appeared to be the limit of his criticisms. Later in the report he commented favourably on the initial response of the Metropolitan Police to the report of a murder at the Golden Lion public house: '*The response of the Officers was in accordance with what would be expected of Police Officers responding to such an incident*.'[668]

496. In his conclusion, DCS Alan Wheeler stated, '[t]*he manner in which the investigation was conducted by the Metropolitan Police showed determination to bring those responsible before the court*'.[669]

497. However, it is clear that this statement did not entirely represent the opinions of either DCS Alan Wheeler, nor perhaps Roland Moyle. In a file minute made on 10 December 1988, following a meeting between the two men, Roland Moyle noted that they had discussed the '*incompetence*' of the Metropolitan Police investigation.[670]

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665 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p11, para 44, 04 September 1989.
666 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p54, para 225, 04 September 1989.
667 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, pp54-55, paras 227 and 230, 04 September 1989.
668 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p65, para 276, 04 September 1989.
669 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p81, para 344 (n), 04 September 1989.
670 Minute of meeting referred to within *'Daniel John Morgan – draft Timeline: Wheeler's Investigation and PCA handling'*, HOM000376001, p4, 10 December 1988.

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498. The Panel has also taken note of remarks made by DCS Alan Wheeler concerning the impact he thought that his investigation had had on the attitude of Daniel Morgan's family. Towards the end of his report to the Police Complaints Authority, DCS Wheeler referred to the family and to public confidence in the Metropolitan Police:

> *'When Hampshire Officers arrested REES and commenced proceedings against him, the family saw that we had reached the same conclusion as the Metropolitan Officers. This seemed to restore some faith in the family's view of the Metropolitan Police Force.'*[671]

and:

> *'The media coverage of the murder and the revelations at the Inquest caused temporary harm to the Metropolitan Police, but at least the family are more inclined towards the Metropolitan Police, because Hampshire reached the same conclusion.'*[672]

499. On the surface, these remarks could appear to be mere statements of fact or informed opinion, made in passing by DCS Alan Wheeler. However, later remarks by D/Supt Douglas Campbell, in a written statement made in connection with civil proceedings in 1991, show them in a different light. In his statement D/Supt Campbell said:

> *'On the Friday following the arrests* [of Jonathan Rees, Paul Goodridge and Jean Wisden]*, it would be 3 February 1989, Commanders TAYLOR and GOUGH came and saw me at Catford Police Station. They said, "They've got no further evidence Doug, but they've done it to take the pressure off the Met Police created by the family."'*[673]

500. D/Supt Douglas Campbell went on to say that, while he accepted that this was what the officers had been told, he did not accept it as the truth. Nevertheless, the remarks were unfortunate and, if they are an accurate representation of what Commanders Taylor and Gough had been told, call into question the purpose of establishing the Hampshire/Police Complaints Authority Investigation, which was to examine possible police involvement in the murder, and raise issues about DCS Alan Wheeler's approach during his investigation.

501. Reference has already been made to the remarks made by lawyers from the Metropolitan Police and Hampshire Constabulary, meeting in 1995 to discuss the civil action commenced by Jonathan Rees. At the meeting, it was stated that the motive for the decision to transfer responsibility for investigating the murder from D/Supt Douglas Campbell to DCS Alan Wheeler was because *'if the prosecution failed in the Met's hands, there would have been even more criticism'*.[674] This would appear to go some way to corroborating the remarks made by Commanders Taylor and Gough to D/Supt Campbell.

502. The record of the same meeting of the lawyers also contains a curious and concerning entry. The Hampshire Constabulary lawyer is recorded as having informed her Metropolitan Police colleagues that there was a '*box of documents*' relating to the Police Complaints Authority '*to which she was at the moment being denied access*' by Hampshire Constabulary. Supt Paul Blaker (as he was now after promotion from DCI) '*was saying that the papers were confidential and he did not want to reveal them*', although he was being pressurised to do so. During the meeting it became clear that part of the contents of the box was a copy of

671 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, pp77-78, para 337, 04 September 1989.
672 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, pp81-82, para 344 (o), 04 September 1989.
673 Witness statement of D/Supt Douglas Campbell, MPS037223001, pp14-15, 05 February 1991.
674 Metropolitan Police Solicitor's Department Attendance Note, MPS038840001, p2, 05 April 1995.

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DCS Alan Wheeler's interim report of 08 December 1988 to the Police Complaints Authority, which the Metropolitan Police lawyers were able to provide a copy of to the Hampshire Constabulary lawyer.[675]

503. It is not known what other papers the '*confidential box*' contained, nor whether the pressure on Supt Paul Blaker to disclose them was ultimately successful. This was an awkward position for the Hampshire Constabulary lawyer to be in, as it is not usual for lawyers defending the police in a civil action to be denied access to relevant material. There is no reference in the papers disclosed to the Panel by Hampshire Constabulary to a '*confidential box*' of Police Complaints Authority material, and none of the material disclosed is of a nature that would be regarded as so confidential that it could not be seen by the lawyers. The only reference is in the note, which was compiled by the Metropolitan Police lawyers and disclosed to the Panel by the Metropolitan Police. The Panel wrote to Hampshire Constabulary concerning the matter but were told that all the material held by Hampshire Constabulary relating to the investigation had been disclosed and a further search of the files had not revealed such a '*confidential box*'.

504. The possible existence of a '*confidential box*' of sensitive material relating to the Police Complaints Authority is of concern to the Panel. It may be that the contents were disclosed with all the other Hampshire Constabulary papers, but the Panel has seen nothing that would have merited such a label. It has already been noted in this chapter that actions that would have been expected to have been taken to investigate possible police misconduct were apparently never taken, or if they were taken, records relating to them were not made, or at least were not entered onto the HOLMES database. Reference to a '*confidential box*' begs the question as to whether investigations were carried out and records were made but they were never disclosed.

505. In November 1989, the Director of the Metropolitan Police Complaints Investigation Bureau wrote to Michael Mates MP to inform him of the outcome of the Hampshire/Police Complaints Authority Investigation. He told Michael Mates that DCS Alan Wheeler had concluded '*that the original murder enquiry had been carried out efficiently and with determination*'.[676]

506. In February 1990, the Police Complaints Authority issued an interim public statement in which it said that, '[t]*he investigation has been an extensive and complex one. All matters raised have been investigated thoroughly to the satisfaction of the Police Complaints Authority*.'[677]

507. The view that both the Morgan One and Hampshire investigations had been effective was further endorsed by the Police Complaints Authority in March 1990 when Gerry Gillman, a member of the Police Complaints Authority, wrote to Alastair Morgan stating, '[...] *I would like to stress that the two enquiries carried out by the Metropolitan Police and the Hampshire Constabulary have been most thorough and have produced no evidence of police involvement in your brother's murder*'.[678]

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675 Metropolitan Police Solicitor's Department Attendance Note, MPS038840001, p1, 05 April 1995.
676 Letter from the Director of CIB to Michael Mates MP, MPS039312001, 23 November 1989.
677 Police Complaints Authority Interim Statement Relating to Allegations against Officers of the Metropolitan Police, MPS026296001, p3, 12 February 1990.
678 Letter from member of the Police Complaints Authority to Alastair Morgan, PNL000099001, p85, 27 March 1990.

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508. Evidence gathered by officers involved in the Hampshire/Police Complaints Authority Investigation clearly indicated multiple significant failures in the Morgan One Investigation, but these were not reflected in DCS Alan Wheeler's report to the Police Complaints Authority, although they had been passed on verbally. Nor, despite having been made aware of its shortcomings, was the matter addressed by the Police Complaints Authority in its interim public statement, made following receipt of DCS Wheeler's final report, nor referred to in the letter sent to Alastair Morgan by Gerry Gilman in March 1990. The Panel considers that the Police Complaints Authority's assessment of the quality of the Hampshire Investigation, set out in the interim public statement, was inaccurate.

509. On 09 January 1991, at a conference in the context of the civil proceedings brought by Paul Goodridge and Jonathan Rees against the Hampshire Constabulary, which was attended by DCS Alan Wheeler and Supt Paul Blaker, Counsel noted DCS Wheeler as saying '[w]*e found lots of irregularities but found no evidence of police involvement. Only police inefficiency.*'[679]

510. Then in 1996, DCS Alan Wheeler, in his witness statement made in connection with the same civil action said, '*I had respect for what Detective Superintendent CAMPBELL had done*'.[680]

511. DCS Alan Wheeler's views appeared to change once again when he engaged with the Panel. In September 2013 he wrote to the Panel saying, '[d]*uring my investigation evidence was forthcoming of police corruption, and a combination of inefficiency, negligence and bad police behaviour*'.[681]

512. When the Panel met former DCS Alan Wheeler in March 2015, he said that he thought that Daniel Morgan's murder should have been detected by the Morgan One Investigation. He thought that the crime scene was very poorly managed and there were other forensic failures such as the fact that Jonathan Rees's clothing had not been examined. He also considered that the offices of Southern Investigations should have been sealed, so as to prevent the removal of potentially important evidence such as the Belmont Car Auctions file and Daniel Morgan's desk diary. He went on to say that he thought that D/Supt Campbell was poorly supported by his team, many of whom were not up to the task, and that he received inadequate support from senior Metropolitan Police management. While D/Supt Campbell was clearly determined to solve the murder, and the arrests of the police officers showed how determined he was, DCS Wheeler thought that more could have been done. He was aware that D/Supt Campbell had taken a lot of criticism and said that he himself had been kinder to him than most.[682]

679 Notes of meeting between DCS Wheeler and Supt Blaker, HAM000844001, p3, 09 January 1991.
680 Witness statement of former DCS Alan Wheeler, HAM000315001, p35, para 59, 24 July 1996.
681 Letter from former DCS Alan Wheeler to the Panel, 24 September 2013.
682 Panel interview of former DCS Alan Wheeler, PNL000205001, 24 March 2015.

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513. DCS Alan Wheeler's views on the case and on key personalities involved in it varied significantly over the years. The Panel strongly disagrees with his positive assessment of the Morgan One Investigation, as reported at the end of his investigation. This gave the impression that the Metropolitan Police had conducted a sound investigation, which was not justified by the evidence.

12 The independence of the Hampshire/Police Complaints Authority Investigation

514. While the concept of a fully independent enquiry into allegations of police misconduct, as it is understood today, was not so well-developed in the 1980s, it was a topical issue in the public domain and a matter of public concern at the time of the Hampshire/Police Complaints Authority Investigation that police largely investigated themselves when complaints were made by members of the public.

515. The Police Complaints Authority had been established by section 83 of the Police and Criminal Evidence Act 1984, with the aim of introducing an independent element into arrangements for dealing with complaints. Under Part IX and Schedule 4 of the Act, it had limited powers to supervise investigations of certain categories of complaint, including allegations that police conduct had resulted in the death or serious injury of any person. While it had the power to approve the appointment of investigating officers, section 85(3) of the Act provided that the decision as to whether an outside police force should be called in to conduct an investigation rested with the chief officer of police. Although the Police Complaints Authority had the power to direct that disciplinary charges be brought against police officers subject of complaint, it had no powers of its own to investigate but relied entirely on police forces to conduct enquiries.

516. Recognising the seriousness of the suspicions and allegations that police officers had been involved in the murder of Daniel Morgan, the Metropolitan Police and the Police Complaints Authority agreed that an outside police force, with no connections to the original enquiry, should be brought in to undertake the investigation and should be supervised by the Police Complaints Authority. In theory, this should have provided most of the independent elements necessary for an effective and objective scrutiny, and the investigation was understood by the members of Daniel Morgan's family to be a new and independent enquiry into the murder. However, the reality was rather different, and the hybrid and somewhat unsatisfactory system described above was reflected in DCS Wheeler's view of his own role.

517. When the Panel met former DCS Alan Wheeler in March 2015, he stated that in carrying out his investigation he had reported to the Metropolitan Police Assistant Commissioner in charge of complaints, and that he had seen himself as working for the Metropolitan Police on a Metropolitan Police matter.[683] It is, however, acknowledged that his statement made in 1996 in connection with the civil proceedings says that he believed he had to be independent.[684]

683 Panel interview of former DCS Alan Wheeler, PNL000205001, 24 March 2015.
684 Witness statement of former DCS Alan Wheeler, HAM000315001, p34, para 56, 24 July 1996.

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518. When he had sensed that his team had come to a position where they could make arrests for the murder, he had also informed both his own Chief Constable and the Metropolitan Police hierarchy, as he had taken the view that it was a Metropolitan Police crime that he was investigating and he wanted the Metropolitan Police to be satisfied with how he had gone about the investigation.[685]

519. Prior to the arrests of Jonathan Rees, Paul Goodridge and Jean Wisden on 31 January 1989, DCS Alan Wheeler arranged for the secondment of a Metropolitan Police Detective Superintendent, Alan Lewis, to his team. He gave this officer access to all the Hampshire/Police Complaints Authority Investigation's documents and information, allowed him to share an office with him and DCI Blaker and allowed him to report his own findings on the investigation, directly and privately, to New Scotland Yard, although DCS Wheeler stressed that the officer was not part of the command structure of the Hampshire/Police Complaints Authority Investigation.[686,687,688]

520. DCS Alan Wheeler apparently had good relations with the Police Complaints Authority and had several meetings and regular telephone contact with Roland Moyle in order to discuss the progress of the investigation. However, while the possibility cannot be entirely excluded, based on the material provided, there is no evidence that DCS Wheeler informed or sought the permission of the Police Complaints Authority to bring in the Metropolitan Police Detective Superintendent, other than after the fact in his closing report.

521. Furthermore, D/Supt Alan Lewis charged all three suspects after their arrests[689] and also participated in the meeting with the Director of Public Prosecutions at which the decision to discontinue proceedings against the three defendants was taken.[690]

522. DCS Alan Wheeler stated that he was working for the Metropolitan Police. The prominent role played by D/Supt Alan Lewis of the Metropolitan Police inside the Hampshire/Police Complaints Authority Investigation afforded him (and, therefore, the Metropolitan Police) complete access to the investigation's database. This has led the Panel to conclude that the Hampshire/Police Complaints Authority Investigation was not independent.

13 Summary of the Panel's conclusions and findings

523. The Hampshire/Police Complaints Authority Investigation's Terms of Reference were badly drafted, lacked clarity and were not specific enough about what the investigation should cover. They should have encompassed not just potential police involvement in the murder but also allegations of police undermining the investigation and the general conduct of the investigation.

685 Panel interview of former DCS Alan Wheeler, PNL000205001, 24 March 2015.
686 Panel interview of former DCS Alan Wheeler, PNL000205001, 24 March 2015.
687 Witness statement of former DCS Alan Wheeler, HAM000315001, p35, paras 57-59, 24 July 1996.
688 Witness statement of former Supt Paul Blaker, HAM000314001, p20, para 87, 25 July 1996.
689 Witness statement of D/Supt Alan Lewis, MPS011008001, 08 February 1989.
690 Final Report of DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p38, para 152, 04 September 1989.

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524. The Terms of Reference should have been revised in December 1988, once the decision had been taken to approve the investigation of the murder as a whole, rather than just alleged police involvement.

525. The Hampshire/Police Complaints Authority Investigation had the capability and potential to bring a successful conclusion to the investigation into the murder of Daniel Morgan, by uncovering the full circumstances and by bringing to justice some or all of those involved. Members of the investigation were, on the whole, competent investigators, who worked hard and gathered and developed a great deal of relevant information concerning the conduct of many of the personalities linked to the case.

526. In many respects, the Hampshire/Police Complaints Authority Major Incident Room was administered in a far more competent way than that of the Morgan One Investigation. Nationally adopted policies and procedures, such as Major Incident Room Standard Administrative Procedures, were largely applied, and this contributed to the effectiveness of the work of the members of the investigation team.

527. In addition, DCS Alan Wheeler's use of forensic resources was good and far superior to that of the Morgan One Investigation.

528. However, policies adopted by DCS Alan Wheeler and steps taken by him during the course of the investigation, diluted and frustrated the effectiveness of the enquiry.

529. Some aspects of DCS Alan Wheeler's conduct of the investigation, all of which have been set out in the text of this chapter, give rise to concerns about the integrity of his investigation. These can be summarised as follows:

i. DCS Wheeler did not understand the concept of 'independence' and considered himself to be working for and to the Metropolitan Police. At key stages during the investigation he consulted with and sought the approval of senior Metropolitan Police officers for actions he proposed to take and gave the Metropolitan Police complete access to his investigation's database.

ii. He adopted the unusual policy, contrary to nationally accepted practice and to the usual practice followed in other Hampshire Constabulary murder investigations, of requiring all investigative actions to be approved in advance by him or by his deputy, DCI Paul Blaker. Many examples have been given in the above text of DCS Wheeler or DCI Blaker refusing to authorise what the Panel considers to have been sensible and logical steps that had the potential to fully complete important lines of enquiry. No reasons were ever recorded in writing for this, and the Statement Reader, DS David Kilbride, was never given any oral explanation for his suggestions being overruled.

iii. It is clear to the Panel that DCS Wheeler devoted a great deal of time to obtaining evidence to justify the prosecution of Jonathan Rees, Paul Goodridge and Jean Wisden. Almost the entirety of the effort in this respect was devoted to undermining Jonathan Rees's alibi for the evening of 10 March 1987. While the Panel accepts to an extent the basis of the assertion that, in order to establish whether police officers were involved in the murder it was necessary first to find out who had committed the murder, it is clear that the focus of the investigation was predominantly on gathering alibi-related evidence against Jonathan Rees and that far less effort was devoted to establishing the involvement or otherwise of police officers.

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iv. When DCS Wheeler received information by means of an anonymous letter that suggested police officers had inappropriate relationships with Jonathan Rees and that linked him to the Vian brothers, who had been arrested during the Morgan One Investigation and who, the information claimed, had used axes in the past (something which was not known prior to this), no serious effort was made to pursue it.

v. The main thrust of the allegations made by members of Daniel Morgan's family and supported by the arrests carried out during the course of the Morgan One Investigation, was that former DS Sidney Fillery had been involved in the murder and had attempted to frustrate its investigation. Yet DCS Wheeler failed fully to pursue lines of enquiry that may have helped to establish the truth of the allegations. For example, the issue of the removal of files relating to Belmont Car Auctions from Southern Investigations' offices in the aftermath of the murder was dealt with superficially. No attempt was made to follow up the statement by DC Michael Crofts that former DS Fillery had put the files in his car and driven away with them, nor to clarify the several accounts of removal of items from the premises. The claim that former DS Fillery had removed the files in his car was not even referred to when DCS Wheeler discussed the matter in his report to the Police Complaints Authority.

vi. While he spent considerable time examining the strength of the evidence given by Kevin Lennon that former DS Fillery and other police officers had been part of a plot to kill Daniel Morgan, DCS Wheeler failed to take simple steps that may have assisted in corroborating or negating the evidence, such as having Kevin Lennon's girlfriend interviewed, making enquiries about the burglary in which Kevin Lennon's diary, which supposedly contained relevant information, had allegedly been stolen and enquiring into the possibility that attempts had been made to have Daniel Morgan breathalysed. Instead, in his reports written at the time, he appears to have underrated Kevin Lennon's credibility and the value of his evidence. Incongruously, he subsequently expressed far more positive views about it during the civil proceedings against Hampshire Constabulary and in his dealings with the Panel.

vii. Other possibly criminal acts that may have been intended to frustrate the original investigation, such as former DS Fillery's visit, accompanied by Jonathan Rees, to the office of a client of Southern Investigations in the days following the murder, were not pursued.

viii. When DCS Wheeler received information concerning possible criminal acts – which may also have amounted to disciplinary offences – not apparently connected to the murder of Daniel Morgan, committed by former DS Fillery and other police officers, such as the allegations made by PC Timothy Gratton-Kane that former DS Fillery had stolen property seized during the search of a house, he failed to follow them up. While it may be the case that he considered them to be outside his Terms of Reference (although the Panel has seen nothing to indicate that such was his opinion), if this was the case, they should have instead been referred to the Metropolitan Police and/or to the Police Complaints Authority for investigation. There is no evidence that this was done.

ix. Other information concerning possibly corrupt behaviour by police officers, that may or may not have been linked to Daniel Morgan's murder, was not pursued, even when relatively simple steps could have been taken to ascertain its weight: for example, the allegations that Daniel Morgan paid police officers to carry out Police National Computer checks and that police officers, together with Jonathan Rees, made false

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statements concerning an arson at premises being guarded by Southern Investigations security staff (among whom was former DS Fillery's brother). As with the allegations made by PC Gratton-Kane, if DCS Wheeler considered them to have been outside his Terms of Reference they should have been passed to the Metropolitan Police and/or the Police Complaints Authority. There is no evidence that this was done.

x. Similarly, DCS Wheeler failed to pursue evidence that other police officers or former officers may have been involved in the murder. The example of former Police Officer Z31 illustrates a serious failure in this respect, when simple steps that had been suggested by DS David Kilbride could have implicated or eliminated him and perhaps led to evidence against others being obtained.

xi. The Panel is concerned by DCS Wheeler's response to the conversation he had with Paul Goodridge in the cells at Fareham Police Station in February 1989, during which Paul Goodridge is alleged to have made remarks indicating the involvement of police officers in the murder of Daniel Morgan. While no names and no details were apparently given, DCS Wheeler failed to deal with the information appropriately. Although he informed verbally senior members of his team, the Police Complaints Authority and his Assistant Chief Constable of the conversation, no written record was made of it on the HOLMES database and neither was it referred to in the written reports submitted to the Director of Public Prosecutions and the Police Complaints Authority. The matter was effectively buried, and no further reference was made to it until the civil proceedings brought by Paul Goodridge and Jean Wisden had been issued in 1996.

xii. The Panel has even greater concerns about the apparent lack of action taken following the two telephone calls relating to Paul Goodridge on 10 and 13 February 1989: that is, the call relating to the information passed to the police following the visit to him in HMP Brixton and the call relating to the unusual visit by police officers allegedly seeking authorisation to access his medical records. These were an important development and demanded an immediate response, but nothing was done.

xiii. Despite being in possession of abundant information pointing towards an ineffective and, in many ways, incompetent investigation, DCS Wheeler did not report in writing the true extent of what had been discovered. He made no reference in his final report of the documents submitted to him by DCI Terence Farley and PS John Riddell. Indeed, the evidence strongly suggests that he was unhappy with both reports; he expressed as much to the Panel in relation to DCI Farley's report, and it is clear that the only reason that PS Riddell's was inputted onto the HOLMES database was because PS Riddell did this himself. DCS Wheeler told PS Riddell some time later that the report had caused him '*problems*'.

xiv. Not only did DCS Wheeler not report in writing what had been found, he in fact reported the contrary and made positive comments about the Morgan One Investigation which were subsequently repeated by both the Metropolitan Police and the Police Complaints Authority. He thereby misled those to whom his reports were addressed and others who read them and had to respond to them. His positive written remarks formed an incremental part of the foundations of the increasingly

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strong public assertions made over the years, and as recently as 2017,[691] by senior Metropolitan Police officers, that the Morgan One Investigation was basically sound but floundered largely because of corruption.

xv. However, while the papers available to the Panel are incomplete, it is clear from the material that has been seen that the Police Complaints Authority was largely aware of the true state of affairs. Roland Moyle had read PS Riddell's report and was clearly aware of its significance. There had also been at least one conversation between Roland Moyle and DCS Wheeler (minuted by Roland Moyle) concerning the incompetence of the original investigation. Yet the Police Complaints Authority accepted a written report from DCS Wheeler which made no mention of this and subsequently issued a statutory certificate and sent a letter to the family of Daniel Morgan, in which complete satisfaction was expressed concerning both the Morgan One and the Hampshire/Police Complaints Authority investigations.

xvi. While few records remain of contact between DCS Wheeler, the Police Complaints Authority, senior officers of the Metropolitan Police and senior officers of Hampshire Constabulary, those that the Panel has seen suggest strongly that DCS Wheeler was open about how he was conducting his investigation and what he had found. Whereas little was put in writing, the Panel has seen material not reflected in documentation intended for external reading, that leads it to believe that DCS Wheeler reported orally and frankly. Yet there is no evidence that anything was ever done to deal with the issues set out in the preceding paragraphs.

530. The Hampshire/Police Complaints Authority Investigation did not pursue, to the fullest extent possible, evidence that serving or former police officers:

i. were involved in the murder of Daniel Morgan;

ii. had committed crimes not connected to the murder of Daniel Morgan; or

iii. had been guilty of disciplinary offences, whether or not connected to the murder of Daniel Morgan.

There is some evidence that this was deliberate conduct on the part of the Hampshire/Police Complaints Authority Investigation.

531. The Hampshire Constabulary, the Metropolitan Police and the Police Complaints Authority agreed, whether tacitly or expressly, to hide from the family of Daniel Morgan and from the public in general, the fact that the original Metropolitan Police investigation into the murder of Daniel Morgan had been ineffective and, in many respects, incompetent.

691 Statement issued by AC Martin Hewitt, *The Guardian* newspaper, 11 March 2017.

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Chapter 4: Operation Nigeria/ Two Bridges

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1 **Background to Operation Nigeria/Two Bridges**

2 **The remit of Operation Nigeria/Two Bridges**

3 **Information-gathering**

4 **Later perceptions of the Operation by the Murder Review Group**

1 Background to Operation Nigeria/Two Bridges

1. Following the conclusion of the Hampshire/Police Complaints Authority Investigation and the submission of the report to the Police Complaints Authority on 04 September 1989,[1] there was a lengthy hiatus in which there were no further active investigations into the murder of Daniel Morgan, with the exception of pursuing a line of enquiry relating to one suspect, former Police Officer Z31. (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

2. After Sir Paul Condon (later Lord Condon) was appointed Commissioner of the Metropolitan Police, in February 1993, approval was granted by the Home Secretary to set up a small, discrete intelligence unit outside London. The purpose of this unit was to run operations to scope accurately the scale and nature of the known issue of police corruption. The unit was managed by the Complaints Investigation Bureau and was known as Complaints Investigation Bureau 3 (CIB3).[2] It was a covert policing team comprising a surveillance team, a technical support unit and an integrity testing unit. CIB3 worked in conjunction with the Complaints Investigation Bureau Intelligence Cell (CIBIC). The operations run by CIB3 were carried out as part of an anti-corruption initiative and were overseen by the Metropolitan Police. CIB3 was under the command of Deputy Commissioner John Stevens (later Lord Stevens) and, according to Lord Condon in a subsequent interview by the Panel, staffed by highly vetted and trustworthy police officers, former army intelligence officers and others from non-police backgrounds.[3]

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1 Final Report by DCS Alan Wheeler to Roland Moyle of the Police Complaints Authority, MPS060685001.
2 Panel interview with former D/Supt David Zinzan, PNL000220001, pp5-6, 15 March 2016.
3 Panel interview with Lord Condon, PNL000246001 pp3-3, 28 September 2016.

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3. During a Panel interview with former D/Supt (later AC) Robert Quick on 24 August 2016, the Panel sought clarification on the structure of the Complaints Investigation Bureau (CIB), CIB2 and CIB3. Former D/Supt Quick confirmed that 'Complaints Investigation Bureau' referred to the whole bureau and was often known as the '*discipline office*'; that CIB2 dealt with complaints and disciplinary investigations; and that CIB3 was the covert and proactive branch of the Complaints Investigation Bureau.[4]

4. One of the operations carried out by CIB3, Operation Gallery (1993-96), was a significant, wide-ranging anti-corruption investigation. It led to intelligence suggesting possible criminality by Jonathan Rees and former DS Sidney Fillery. In November 2020, both Jonathan Rees and former DS Fillery denied these allegations to the Panel.[5]

5. As a result of this intelligence, it appears that preparatory work was instituted to carry out feasibility studies for targeting former DS Sidney Fillery and Jonathan Rees at their Southern Investigations offices, where both were now partners. Operation Landmark was created in May 1997 to conduct lifestyle surveillance on these premises, followed by Operation Hallmark, which particularly focused on surveillance to help plan the deployment of an intrusive listening device. These operations effectively later transformed into Operation Nigeria: the documentation in relation to Operation Landmark refers to carrying out work in advance of *'the evidential phase to be known as Operation Nigeria*'.[6] Operation Nigeria was later renamed Operation Two Bridges, on 14 April 1999, but for the sake of clarity within this chapter, the operation will be referred to throughout as Operation Nigeria/Two Bridges.

1.1 Chronology of key events relating to the operation

- **14 April 1999** DCI Barry Nicholson became the Senior Investigating Officer for the covert operation. Operation Nigeria, which had started earlier in 1998, was renamed Operation Two Bridges.
- **April 1999** Listening device material was gathered from this time onwards.
- **02 July 1999** Article placed by the Metropolitan Police in the *Daily Telegraph* designed to prompt conversation which might provide information about the murder.
- **24 September 1999** Eleven suspects, including Jonathan Rees, arrested in connection with offences related to a conspiracy to pervert the course of justice by planting controlled drugs.
- **26 September 1999** Arrest of a serving police officer, DC Austin Warnes, in connection to the conspiracy case.
- **14 December 2000** Jonathan Rees, DC Austin Warnes and Simon James were convicted of perverting the course of justice. Jonathan Rees and Simon James were sentenced to six years' imprisonment (seven years following appeal by the Attorney General); DC Austin Warnes was sentenced to four years (five years following appeal by the Attorney General).

4 Panel meeting with former D/Supt Robert Quick, pp2-3, 24 August 2016.
5 In response to fairness letters from the Panel.
6 *'Binder from CIBIC re Operation Landmark',* MPS099651001, p83.

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Officers of significance in Operation Nigeria/Two Bridges, in order of rank

- Deputy Commissioner John Stevens, authorising officer for covert surveillance
- Deputy Assistant Commissioner Roy Clark
- Detective Chief Superintendent David Wood
- Detective Superintendent Christopher Jarratt
- Detective Superintendent Robert Quick, who joined the Complaints Investigation Bureau 3 (CIB3) and took over management of Operation Nigeria in January 1999
- Detective Chief Inspector Barry Nicholson, Senior Investigating Officer from April 1999.

2 The remit of Operation Nigeria/Two Bridges

6. Operation Nigeria was set up primarily to gather intelligence relating to former DS Sidney Fillery and Jonathan Rees, who were together running Southern Investigations after the murder of Daniel Morgan.[7] From May 1999, Southern Investigations was expanded and re-organised and began trading as 'Law & Commercial'.[8] A document from D/Supt Christopher Jarratt of the Complaints Investigation Bureau Intelligence Cell (CIBIC), addressed to DAC Roy Clark, who was in charge of running the operation, described Operation Nigeria as:

> *'a CIB (CIBIC) led operation, the targets of which are Sidney FILLERY and Jonathan REES (REECE) of Southern Investigation Services*[...]*. They became operational targets by virtue of a substantial and increasing intelligence picture highlighting their corrupt associations with serving police officers, ex officers and criminals. Additionally, they remain suspects in connection with the murder of Daniel MORGAN some years ago.'*[9]

7. The Panel's Terms of Reference state that there had been '*five successive police investigations*'[10] into Daniel Morgan's murder, of which Operation Nigeria/Two Bridges was considered to be the third investigation. However, Operation Nigeria/Two Bridges was not an investigation, rather it was an intelligence-gathering operation.

8. The Panel has been unable to locate any formal Terms of Reference, strategy documents or a policy log for Operation Nigeria/Two Bridges among the documentation available to it. In the absence of such documents, indications of the remit of Operation Nigeria/Two Bridges

7 Memo from D/Supt Christopher Jarratt to DAC Roy Clark, MPS099739001, p17, 08 September 1998.
8 Memorandum from D/Supt Robert Quick, p37, 02 September 1999.
9 Note headed 'Re: Operation Nigeria' to DAC Roy Clark through D/Supt Christopher Jarratt, MPS099739001, p44, undated.
10 See www.danielmorganpanel.independent.gov.uk/panels-remit/panels-term-reference.

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can be inferred from other related documents and from the various applications for (continued) authorisation to deploy an intrusive listening device at the offices of Southern Investigations/ Law & Commercial. On 17 March 1998, authority was granted for pre-deployment activity in order to determine the feasibility of deploying a listening device. In September 1998, D/Supt Christopher Jarratt wrote to the Deputy Commissioner via DAC Roy Clark, referring to efforts to achieve evidence of '*current and past corruption activities involving ex-DS FILLERY and his partner John* [sic] *REES*'.[11] D/Supt Jarratt also referred to the need '*to establish once and for all whether or not FILLERY and/or REES were involved in the MORGAN murder*'.[12]

9. Intelligence obtained before the start of Operation Nigeria/Two Bridges suggested that Southern Investigations was acting as a hub for serious and ongoing corruption. The historic intelligence was summarised in a report in December 1998:

> *'Both FILLERY and REECE* [sic] *have been subjects of interest to CIB for a considerable period of time. Long term and wide ranging intelligence shows them to be deeply involved in corruption, using a network of serving and retired police officers to access sensitive intelligence for the purpose of progressing crime, frustrating the course of justice, and selling sensitive information to the press.'*[13]

10. A memorandum at the end of 1998 from DAC Roy Clark to D/Supt Christopher Jarratt referred to the remit of Operation Nigeria/Two Bridges as including the objective *'to consider them* [Jonathan Rees and former DS Fillery] *as (remaining) suspects for the murder of Daniel MORGAN in 1987'*.[14]

11. A *Metropolitan Police Service – Corruption and Dishonesty Prevention Strategy* document, produced in December 1998, had a foreword by Commissioner Sir Paul Condon, which set out the organisation's views on anti-corruption during this period. This stated:

> *'This comprehensive Anti-corruption Strategy, which we believe has no peer anywhere in the world, aims to ensure that there is no hiding place for those that are corrupt, dishonest or unethical. Nor is misguided loyalty to those who have betrayed us acceptable.'*[15]

12. The senior officers involved in Operation Nigeria/Two Bridges did not recall or refer to any Terms of Reference when interviewed by the Panel and have different recollections as to the remit of the operation. Former D/Supt Robert Quick, who assumed command in January 1999, initially told the Panel that gaining intelligence on Daniel Morgan's murder was the only objective of Operation Nigeria.[16] However, when further questioned by the Panel, he elaborated to say that it was not in fact a murder investigation but an intelligence operation. He stated there were very strong suspicions about Southern Investigations and corrupt police officers, and relationships between journalists and corrupt officers. However, former D/Supt Quick advised the Panel in 2020 that he had not seen and reacquainted himself with material from the operation prior to his interview with the Panel.

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11 Memorandum from D/Supt Christopher Jarratt to DAC Roy Clark, MPS099739001, p17, 08 September 1998.
12 Memorandum from D/Supt Christopher Jarratt to DAC Roy Clark, MPS099739001, p17, 08 September 1998.
13 Application for renewal of surveillance approval, MPS099739001, p69, 08 December 1998.
14 Memo from DAC Roy Clark to D/Supt Christopher Jarratt, MPS099739001, p9, undated 1998.
15 *Special Notice 36/98 Metropolitan Police Service – Corruption and Dishonesty Prevention Strategy*, p4, 16 December 1998.
16 Panel meeting with former D/Supt Robert Quick, p3, 24 August 2016.

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13. The recollections of other senior officers interviewed by the Panel were that the murder of Daniel Morgan was just one aspect of the operation. For example, former DCI (later D/Supt) Barry Nicholson said that when he joined the operation as Senior Investigating Officer on 14 April 1999, he was told that it was not a re-investigation of the murder, but an operation targeting the key individuals believed to have been involved, in respect of both the murder and other criminality. Former DCI Nicholson told the Panel that he understood the Home Secretary to have told the Metropolitan Police that *'something should be done'*[17] about the murder.

14. Former DCI Barry Nicholson continued in interview:

> *'If you investigate a murder there is a set model for doing so. Two Bridges was not a murder investigation, but was hoping to obtain evidence that would lead to the murder as well as other criminality.'*[18]

15. The Panel accepts former Senior Investigating Officer DCI Barry Nicholson's description of Operation Nigeria/Two Bridges as a covert operation targeting suspects in the murder of Daniel Morgan – Jonathan Rees and former DS Sidney Fillery – in respect of corrupt activities, including in relation to the murder of Daniel Morgan. The plan was to target the two individuals in question with an intrusive listening device and then to follow and develop the intelligence which emerged. The relevance of intelligence gained would then inform any decision on whether to re-launch a murder investigation.

16. Intelligence was gathered during Operation Nigeria/Two Bridges from two main sources: people who provided information, and a covert listening device at the offices of Law & Commercial. Relevant intelligence also came into the Complaints Investigation Bureau 3 (CIB3) from other sources, including documents and reports assessing any links between police officers, private investigators and organisations in the media, as well as possible corruption linked to personal relationships formed through membership of the Freemasons.

17. In April 1999, the Complaints Investigation Bureau discussed ideas for a strategy for further investigating the murder of Daniel Morgan. A minute for the attention of DAC Roy Clark from D/Supt Christopher Jarratt noted that *'every consideration should be given to reopening the murder enquiry'*.[19] The minute discussed re-launching the murder investigation once the outcome of the monitoring of the Operation Nigeria/Two Bridges listening device was known.[20] Further advice from DCS David Wood to DAC Clark also made clear that:

> *'the re-opening of the enquiry may not be justified. It has, after all, be* [sic] *investigated and re-investigated. I would suggest that a review is made on the basis of the new information*[...]*. Operation Two Bridges has not uncovered any further information at this stage but the officers involved are well aware of this interest.'*[21]

17 Panel interview with former DCI Barry Nicholson, PNL000239001, p1, 22 July 2016.
18 Panel interview with former DCI Barry Nicholson, PNL000239001, 22 July 2016.
19 Minute sheet prepared by D/Supt Christopher Jarratt and DCS David Wood for DAC Roy Clark, MPS071718001, p1, 21 April 1999.
20 Minute sheet prepared by D/Supt Christopher Jarratt and DCS David Wood for DAC Roy Clark, MPS071718001, p1, 21 April 1999.
21 Minute sheet prepared by D/Supt Christopher Jarratt and DCS David Wood for DAC Roy Clark, MPS071718001, p3, 22 April 1999.

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18. Former D/Supt Christopher Jarratt indicated to the Panel in interview that, although the Operation Nigeria/Two Bridges team would have been aware of Daniel Morgan's murder, they were primarily looking for corruption involving Law & Commercial. Had they found sufficient information that would have justified a re-investigation of the murder, an investigation team would then have been established to take this forward.[22]

3 Information-gathering

3.1 Early information suggesting links between police officers, private investigators and the media

19. A document within the Operation Nigeria/Two Bridges files, dated 03 April 1997, referred to the newspaper contacts of former DS Sidney Fillery and former DC Duncan Hanrahan. It suggested that *'HANRAHAN and FILLERY are in contact with two newspaper groups and may be passing information to them which has been gleaned from police sources'*.[23] The reasons for these contacts were not known, but the document concluded the reasons *'would appear to give cause for concern'*.[24]

20. A later information report collated by the Complaints Investigation Bureau Intelligence Cell (CIBIC) on 13 January 1998 was prepared in response to a request for *'details of Police Officers who contact known journalists'*.[25] The report listed a number of potential contacts between police officers, journalists and private investigators, and stated that former DS Sidney Fillery was maintaining '*close links with members of the press, mainly with The News of the World and the Mirror Group*', keeping contact via his office, mobile and home phones. The report concluded: *'We have nothing current to show any direct links with serving Police Officers and the Press.'*[26]

21. Other intelligence gathered during the operation in the same year included an information report on 'The Penge Lodge', which the Panel understands to be associated with Freemasonry. The report showed former DS Sidney Fillery to be an '*active member*'.[27] He was identified as attending the Lodge with, among others, '*John* [sic] *REES'*, and former DC '*Duncan HANRAHAN*' and former DS '*Alex* [sic] *LEIGHTON'*, both of whom were known for their close ties with Law & Commercial. Intelligence checks were made on serving police officers to see if they, too, were members of that Lodge or had links with former DS Fillery but concluded there was *'NO evidence that they are linked to FILLERY or the Lodge'*[28] (emphasis in original). The relationships between media organisations and private investigators and police officers, both serving and former, as well as possible membership of the Freemasons among police officers, and potential links with corruption, are discussed further in Chapter 10, Corruption.

22 Panel Interview with former D/Supt Chris Jarratt, PNL000247001, pp1-2, 28 September 2016.
23 Newspaper contacts of Mr S Fillery of Southern Investigations and Mr D Hanrahan of Hanrahan Associates, MPS109747001, p13, dated 03 April 1997.
24 Newspaper contacts of Mr S Fillery of Southern Investigations and Mr D Hanrahan of Hanrahan Associates, MPS109747001, p13, dated 03 April 1997.
25 Information report, 'Police – Press Contact', MPS109747001, p6, 13 January 1998.
26 Information report, 'Police – Press Contact', MPS109747001, p6, 13 January 1998.
27 Information report, 'The Penge Lodge No1815', MPS109747001, p3, 1998.
28 Information report, 'The Penge Lodge No1815', MPS109747001, p5, 1998.

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3.2 Some people who provided information

22. Operation Nigeria/Two Bridges included a range of matters unrelated to the murder of Daniel Morgan, but relevant to the investigation of police corruption. The intelligence relating to police corruption gathered during the operation is further discussed in Chapter 10, Corruption.

3.2.1 Information from former DC Duncan Hanrahan

23. Former DC Duncan Hanrahan was arrested on 20 May 1997 and charged with criminal offences linked to corrupt activity. Following the receipt of further intelligence, he was arrested again in December 1998, for conspiracy to pervert the course of justice. On 19 March 1999, former DC Hanrahan was convicted of theft, perverting the course of justice, possession with intent to supply illegal drugs, robbery and conspiracy to pervert the course of justice. He was sentenced to more than eight years' imprisonment. Former DC Hanrahan, whose role in the Morgan One Investigation as a Metropolitan Police Officer is discussed in Chapter 1, had worked with Jonathan Rees and former DS Sidney Fillery at Southern Investigations (later Law & Commercial) following his departure from the Metropolitan Police on the grounds of ill health.[29] Extensive press-reporting about former DC Hanrahan described him as a *'supergrass'*, making wide-ranging claims about police corruption. A *Sunday Times* article of 12 October 1997 went further, stating: '*Investigators believe Hanrahan has vital information about the murder of Daniel Morgan, a private investigator who was found with an axe in his head in a south London pub car park 10 years ago.*'[30]

24. However, at no stage had former DC Duncan Hanrahan provided any evidence to implicate any individual in the murder of Daniel Morgan. In relation to Southern Investigations, former DC Hanrahan's sole admissions, following his arrest in 1997, were:

i. that he was aware the company had the ability to undertake *'PNC* [Police National Computer] *style checks'*, both through DC Nigel Grayston and other sources, and that he himself had conducted Police National Computer checks through DC Nigel Grayston.[31]

ii. that, while still a serving police officer, he had worked for Southern Investigations '*moonlighting at the 2 night-clubs'*.[32]

25. The admissions by former DC Duncan Hanrahan tended to support other intelligence in respect of Southern Investigations working with corrupt serving police officers. However, the information did not assist significantly in progressing the Operation Nigeria/Two Bridges corruption enquiries and did nothing to add to the understanding of the circumstances surrounding Daniel Morgan's death.

29 Removal report for D.S. Sidney Alexander Fillery, MPS009636001, p3, 21 March 1988.

30 David Leppard, Jason Burke and Christopher Hastings, '*Supergrass exposes Yard corruption'* – Insight, *Sunday Times*, PNL000100001, p251, 12 October 1997.

31 Statement of Duncan Hanrahan, MPS099720001, p8, undated.

32 Statement of Duncan Hanrahan, MPS099720001, p7, undated.

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26. In the period following former DC Duncan Hanrahan's arrest there was a report of a conversation between Jonathan Rees and former DS Sidney Fillery, including the comment '[i]*f Duncan opens his mouth we're in deep shit'.*[33] It appears from the context of this alleged conversation that '*Duncan'* was former DC Duncan Hanrahan, but it is unclear whether the matter of concern referred to the Daniel Morgan murder, corruption or something else.

27. On 28 May 1999, the intrusive listening device which had been deployed at the offices of Law & Commercial recorded Jonathan Rees discussing former DC Duncan Hanrahan's attempt to provide information to the Metropolitan Police:

> [Jonathan REES] *'I think he tried to* [do] *a deal, he tried to be a super grass, they sussed him out and fucked him off. I'd be glad to know the sordid details… it'd be nice to know if when* [sic] *he got interviewed, because he's the one that we thought they were using to try and nick me for the murder. He'll come out with a little bit of bollocks, but I'll be able to pick the truth out of it, the bones out of it.'*[34]

28. The device had earlier recorded the following conversation on apparently the same subject:

> [Sidney FILLERY] *'…yeah and the good news, really, is that Duncan clambered* [sic] *up. What will suit me fine and I will never know, I will never ever know now unless somebody tells me in years to come, will never know if he's mouthed John and I up. It would suit me if he did because if he did then yet again that murder's been investigated and they haven't charged anybody one way, so it would suit me actually if I find out that Duncan.... yeah so it would suit me if I find out that Duncan said "Yeah, nut and gut, I was there when Blondie submitted* [sic] *to the murder" or some other fucking bollocks like that, that would suit us, but yet again it's been investigated. There can't be anything left other than what colour shoe laces I had….'*[35]

29. This conversation was reflected in one of the Metropolitan Police's ongoing requests for intrusive surveillance approval, as follows:

> *'Of particular note during the last authority period was a conversation between Fillery and his accountant Ian Paye. The conversation was sparked by the imprisonment of Duncan Hanrahan, an ex MPS detective, sentenced to for* [sic] *8 years for* [a] *corruption related offence. The conversation clearly showed direct and close links between mentioned individuals who have been involved in criminality and corruption. Fillery is particularly concerned at what Hanrahan might have told police about the association between them, and whether Hanrahan has given information about the murder of Daniel Morgan implicating him and Reece* [sic]. *Clearly, Fillery is concerned and feels more vulnerable around this issue than many others discussed. This information will assist in the development of a strategy to obtain evidence of serious offences.'*[36]

3.2.2 3.2.2 Information from Person F11

30. Person F11 was arrested on 17 September 1998 during an undercover operation investigating major drug-trafficking.[37] Person F11 had become involved in negotiations to supply an undercover police officer with cocaine. During the course of the negotiations, Person F11

33 Abelard Two message M991, MPS073932001.
34 Transcript of listening device, MPS007878001, pp 2-3, 28 May 1999.
35 Transcript of listening device, MPS099720001, p44, 22 March 1999.
36 Application for renewal of surveillance approval, MPS099739001, p136, 31 March 1999.
37 Person F11's risk assessment, by DS Richard Oliver, MPS049793001, p1, 29 May 2002.

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conspired with the officer to find a person who would be willing to undertake a contract to murder an associate of Person F11, James ('Jimmy') Cook. Person F11 then also met a further police officer who agreed to be the '*contract killer*', and Person F11 supplied the '*hit man*' with a firearm and a photograph of the intended victim.[38] This killing did not take place.

31. Person F11 was charged on 18 September 1998 with conspiracy to murder James Cook, possession of a firearm with intent to kill, and supplying Class A controlled drugs, namely one kilo of cocaine, to a police officer.[39] He was remanded in custody and shortly after his arrest indicated that he had knowledge of serious criminality, including corrupt police officers' criminal activities, which he would divulge in exchange for a reduction in his sentence.[40] Person F11 met Anti-corruption Command officers on 25 September 1998 and agreed to provide information.[41]

32. Person F11 gave considerable intelligence in relation to the corrupt activities of police officers, and his intelligence proved to be of value in establishing that DC Duncan Hanrahan had been perverting the course of justice. On 30 September 1998, an officer confirmed with Person F11 that he would further assist the police with evidence of police corruption, drug supply and Daniel Morgan's murder.

33. In a statement made on 22 January 1999, outlining his knowledge of the murder of Daniel Morgan,[42] Person F11 claimed that in '*1989 or 1990*' James Cook had confided in him that he and a man named '*Glen VINES*' had committed the murder and had been '*paid by John* [sic] *REES'* to do so. Person F11 also claimed that:

> *'Jimmy COOK told me that he was the driver and that Glen VINES had committed the murder by striking the victim in the head with an axe.… The car that* [James] *COOK drove when taking Glen VINES to kill the victim was hidden in a garage in Cheam after the murder.* [James] *COOK told me that a man named* [Person P9] *used the garage.'*[43]

34. Person F11 claimed that Person P9 was '*used as a gofer by James COOK*', was constantly bullied by him and that Person P9 was '*terrified*' of James Cook.[44] Person F11 also named someone who he said could provide partial corroboration of his account, particularly in respect of the disposal of the vehicle.[45] However, in a meeting on 20 September 2001 with DS Richard Oliver and a Detective Constable, Person F11 requested that the statement he had made regarding Person P9 and James Cook be retracted.[46] He explained that he had been told about a newspaper article that had stated that the police knew the person who '*got rid of the car'*.[47] Person F11's concerns were that:

> *'anyone who read it and knew about the car would know it could have come from me. It was Cookie* [James Cook] *who told me about that and Hanrahan told me about the murder.'*[48]

38 Person F11's risk assessment by DS Richard Oliver, MPS049793001, p1, 29 May 2002.
39 Schedule of police interaction with Person F11, 17 September 1998 to October 2007, MPS103708001, p7, 12 September 2007.
40 Schedule of police interaction with Person F11, 17 September 1998 to October 2007, MPS103708001, p7, 12 September 2007.
41 Schedule of police interaction with Person F11, 17 September 1998 to October 2007, MPS103708001, p7, 12 September 2007.
42 Murder Review Group file, MPS094325001, p104, 06 October 2000.
43 Statement of Person F11, MPS046816001, p2, 22 January 1999.
44 Statement of Person F11, MPS046816001, p2, 22 January 1999.
45 Statement of Person F11, MPS046816001, p2, 22 January 1999.
46 Letter from the Metropolitan Police and minutes of meeting at HMP Codingley with Person F11, MPS049613001, p6, 20 September 2001.
47 Letter from the Metropolitan Police and minutes of meeting at HMP Codingley with Person F11, MPS049613001, p3, 20 September 2001.
48 Letter from the Metropolitan Police and minutes of meeting at HMP Codingley with Person F11 , MPS049613001, p3, 20 September 2001.

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35. Person F11 also explained to the officers that he *'just wanted to tell* [them] *about the bent coppers and not the other issues*' and that he was '*plastered all over the papers'* and made out to be a '*grass*'.[49] The article to which Person F11 was referring formed part of the intelligence-gathering strategy during Operation Nigeria/Two Bridges and is discussed later in this chapter (see paragraphs 59-62 below).

36. Despite his wish to retract the information he had provided, Person F11's information remained significant in each of the investigations that followed Operation Nigeria/Two Bridges (see Chapter 6, The Abelard One/Morgan Two Investigation; and Chapter 8, The Abelard Two Investigation). However, it was not considered significant enough on its own to constitute grounds for a reinvestigation of the murder.

37. Person F11 was convicted of nine offences on 08 July 1999, including the original drug supply and conspiracy to commit murder. He was sentenced to a total of seven years' imprisonment.

38. The fact that Person F11 had previously been attempting to arrange the murder of James Cook clearly indicated that Person F11 had a grudge against him. When Person F11 subsequently provided information to the police that James Cook had told him that he (James Cook) had murdered Daniel Morgan, it would have been inevitable that defence lawyers for James Cook would have questioned Person F11's credibility as a witness.[50,51]

3.2.3 Information about and from William Newton

39. In December 1998, Operation Nigeria/Two Bridges received intelligence about William Newton, who was under investigation for alleged money-laundering offences. William Newton had started to act as an accountant for Southern Investigations in the weeks before Daniel Morgan's murder.[52] (The previous accountant/bookkeeper for Southern Investigations was Kevin Lennon, who had been convicted of fraud.)

40. It was claimed that William Newton had referred to the murder of Daniel Morgan as the '*HP murder*',[53,54] because the '*fee for the hit was paid in three instalments*'.[55] According to the intelligence received, William Newton had heard this from a man '*who was questioned re the murder and was also a customer of Newton at the time*'.[56]

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49 Letter from the Metropolitan Police and minutes of meeting at HMP Codingley with Person F11, MPS049613001, p5, 20 September 2001.
50 Person F11's risk assessment, by DS Richard Oliver, Operation Abelard MPS049793001, p1, 29 May 2002.
51 Report into the debrief and evidence of Person F11, MPS103708001, p7, 12 September 2007.
52 MPS088488001, p1, 11 October 1999.
53 MPS040618001, p2, 01 December 1998.
54 Hire purchase is a method of paying for something in which the buyer pays part of the cost immediately and then makes smaller, regular payments until the debt is completely paid.
55 MPS040618001, 01 December 1998.
56 MPS040618001, 01 December 1998.

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41. The Panel has found no evidence to show that an approach was made to William Newton when this intelligence was received in December 1998, but on 04 October 1999, following raids on his offices by the Complaints Investigation Bureau 3 (CIB3), William Newton himself made contact with CIB3 about the murder of Daniel Morgan.[57]

42. William Newton gave details of a conversation he had had in 1988 or 1989 with a prison officer who had told him that the murder had been a contract killing, but the prison officer had not provided the names of the people involved. William Newton said that he had thought no more about this claim until 28 September 1999, when the husband of a client of his *'stated that the murder was a contract killing ordered and paid for by Jonathan REES over "woman trouble" with MORGAN'*.[58] The man to whom William Newton had spoken gave the name of the murderer as a man with a Scottish surname similar to *'McCLURE'*.[59] William Newton said that the person who had driven the car from the scene of the murder was '*Jimmy GREEN'* and he claimed that '*Jimmy GREEN'* had been arrested recently with Jonathan Rees, breaking into a woman's car and planting Class A drugs. The Detective Constable taking the statement believed that William Newton was talking about James ('Jimmy') Cook when he referred to *'Jimmy GREEN'*.[60]

43. This intelligence was not taken further at the time. In a report dated 02 February 2000, DI Michael Gates explained that this was because it was the *'belief of the interviewing officers that Mr NEWTON's approach to police was motivated by self protection in that he was aware of the corrupt and dishonest dealing undertaken by Law and Commercial'.*[61]

44. William Newton was subsequently arrested on 11 October 1999 in connection with another offence related to drug-trafficking.[62]

3.3 The intrusive listening device

45. Following the necessary authorisations, an intrusive listening device was successfully installed within the offices of Law & Commercial on 30 October 1998. However, it did not become fully operational until April 1999, when DCI Barry Nicholson was appointed the Senior Investigating Officer and initial technical difficulties had been overcome. The listening device continued in place, with regular renewals of authorisation, until September 1999. Former D/Supt Robert Quick said that, for most of the live operation, Deputy Commissioner John Stevens was the authorising officer for the listening device and other operational matters.[63,64]

46. Former D/Supt Robert Quick also told the Panel that he briefed the then Deputy Commissioner John Stevens (later Lord Stevens) regularly on the detail of Operation Nigeria/Two Bridges.[65] The unredacted documents relating to the intrusive surveillance in connection with Operation Nigeria/Two Bridges show that Deputy Commissioner Stevens received presentations on the operation on 06 January, 12 February, 11 March, 07 April, 05 May, 04 June, 02 July, 05 August and 02 September 1999.[66] The documents summarise the briefings provided directly to the Deputy Commissioner and refer, among other things, to '*corruption between journalists,*

57 Message form, MPS104504001, p74, 04 October 1999.
58 Information report, MPS104504001, p72, 06 October 1999.
59 Information report, MPS104504001, p72, 06 October 1999.
60 Information report, MPS104504001, p72, 06 October 1999.
61 Report re Operation Two Bridges by DI Michael Gates, MPS046677001, p13, 02 February 2000.
62 Notes of arrest/report of incident, MPS085466001, pp1-11, 11 October 1999.
63 Panel interview with former D/Supt Robert Quick, PNL000197001, p3, para 15, 10 November 2014.
64 Memo from DCI Barry Nicholson, MPS099739001, p39, 11 April 2000.
65 Panel Interview with AC Robert Quick, PNL000197001, p3, para 15, 10 November 2014.
66 Two Bridges intrusive surveillance report minutes, MPS009510001, pp30,34,37-46.

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private investigators, suspended and serving police officers',[67] and *'selling sensitive information to the press'.*[68] Deputy Commissioner Stevens endorsed his initial authorisation of 06 January 1999 with the following request: *'Please keep me updated as to progress in this case.'*[69]

47. During the Leveson Inquiry, Lord Stevens was asked whether he was aware during the time that he was Deputy Commissioner and/or Commissioner that the *News of the World* was extensively using the private investigation company Southern Investigations, which became Law & Commercial, to obtain information about police officers illegally. He responded that he was not,[70] even though in his autobiography, *Not for the Faint-Hearted: My Life Fighting Crime*, published soon after his retirement as Commissioner in 2005, he had referred at length to the surveillance on the business which he had authorised.[71] (See Chapter 10, Corruption.)

48. DCI Barry Nicholson was aware that previous attempts to obtain evidence against former DS Sidney Fillery and Jonathan Rees had failed. The application for renewal of surveillance approval noted former DS Fillery's and Jonathan Rees's current knowledge of the various investigative methods and techniques that might have been used against them, as well as the constant threat of compromise to the investigation posed by their level of access to the Metropolitan Police through professional and social contacts.[72]

3.3.1 Briefing of the listening team and quality of the transcripts

49. The Panel has not been able to find any briefing documents for the team that was monitoring the listening device in order to determine what they had been listening for. DAC Roy Clark referred to the murder of Daniel Morgan as being part of the operation's remit in this context and stated that he had created *'a concise account of that crime to assist in the venture should it be required*'.[73]

50. The Panel asked former DCI Barry Nicholson whether he and the officers of Operation Nigeria/Two Bridges had been briefed on the murder, and if so, to what extent. Former DCI Nicholson confirmed that all officers working on the operation understood that they were seeking evidence about the murder of Daniel Morgan. He said that he was aware of the murder and the suspects but did not recall being briefed in detail or reading the papers of previous investigations. He told the Panel he thought that the operation had captured all conversation relevant to the murder.[74] A document providing instructions to those officers transcribing the product of the listening device reads as follows:

> *'"Relevant" conversations, which at this stage must be a subjective view, are subsequently to be fully transcribed and exhibited by the monitoring officer. This transcription must be typed, or hand-written and then typed. Other "non-relevant" conversations must show enough detail to allow other persons, e.g. defence solicitors, to form their own judgements as to relevance without the need for them to listen to all of the recordings themselves.'*[75]

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67 Intrusive surveillance application bundle re Law & Commercial, MPS099739001, p195, 06 January 1999,
68 Intrusive surveillance application bundle re Law & Commercial, MPS099739001, p89, 06 January 1999,
69 Intrusive surveillance application bundle re Law & Commercial, MPS099739001, p23, 06 January 1999,
70 Lord Stevens of Kirkwhelpington. Leveson hearing transcript, afternoon session, p7, 06 March 2012.
71 *Not for the Faint-Hearted: My Life Fighting Crime,* by John Stevens, published by Phoenix, 01 June 2005.
72 Application for renewal of surveillance approval, MPS099739001, p69, [date unclear] 1998.
73 Minutes of Two Bridges Surveillance Report, MPS009510001, p4, undated.
74 Panel interview with former DCI Barry Nicholson, PNL000239001, p2, 22 July 2016.
75 Documents re the listening post 19/3/99 – 15/4/99 – Op. 'Two Bridges' (Nigeria), MPS099550001, p15, 09 March 1999.

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51. However, the Panel has identified instances of discussions held within Law & Commercial that appear to relate to the murder of Daniel Morgan or its investigation, which were documented in summary text, rather than word for word.[76, 77]

52. By way of an example, the transcription summary produced during Operation Nigeria/Two Bridges is significantly shorter than the full verbatim transcript produced for the later Abelard Two Investigation. This in itself might not be of concern, provided that the summarised version of the conversation fully reflected the sense of the issues discussed. However, in one area this was not the case:

> *'Jonathan REES says that "the coup that the Met had was to get Kev LENNON on their side." Jonathan REES says that 31/2 million pounds was spent on the enquiry – and if he could be convinced that there would be no backlash if he admitted that he (LENNON) told lies.'*[78]

53. In this summarised transcript from Operation Nigeria/Two Bridges, the conversation has been so heavily abbreviated that some of the sense of what Jonathan Rees is saying about Kevin Lennon has been lost. In the following transcript, later produced in 2008 for the Abelard Two Investigation, a fully verbatim version of the conversation was produced:

> *'Jonathan REES (on the phone): "What about KEVIN LENNON? Did you ever meet KEVIN LENNON? Are you sure...Yeah...Yeah...Yeah... I wonder cause he would be quite good. Because all the Met, the coup the Met had was to get KEVIN LENNON on their side. If you could go in there and convince LENNON that... His biggest fear, he's not stupid, he's a little cunt. He would know, that the Met spent. The Met spent over two million pounds (inaudible ?) half a million and Hampshire over one million. Three and a half million on that enquiry and LENNON would know... er... a lot of Met investigation* [sic] *all relied on him and a lot of publicity. And if it came out now that he told fucking lies and everything, he knows there will be quite severe backlash."'*[79]

54. Monitoring the conversations recorded by the intrusive listening device for information relevant to the murder of Daniel Morgan was a complex task: ability to identify references to persons other than the main suspects as well as to other potentially relevant data would have required considerable knowledge of the circumstances of the murder, and the personalities connected with it, on the part of the monitoring team.

55. The recorded conversation material was later enhanced by the Abelard Two Investigation (which had newer, more sophisticated audio equipment that may have improved the clarity of the dialogue to an extent). However, the summarised version produced during Operation Nigeria/Two Bridges was too lacking in detail to be fully comprehensible.

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76 Transcript of listening device, MPS099599001, p56, 16 April 1999.
77 Transcript of listening device, MPS058695001, p11, 18 August 1999.
78 Transcript of listening device, MPS000756001, pp2-3, 05 July 1999.
79 Enhanced summary/transcript, MPS000757001, p7, 19 February 2008.

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3.3.2 Conversations recorded by the intrusive listening device before the July 1999 'trigger' article in the Daily Telegraph

56. During the time it was operational, the listening device recorded instances in which Jonathan Rees not only referred to the murder of Daniel Morgan, but was firm in his denial of any involvement.[80,81] For example, in May 1999, Jonathan Rees was recorded in conversation with a client and stated that he had been '*paid out*' over '*false allegations*'.[82] Also in reference to Daniel Morgan's murder, when asked if he knew who did it, he responded, '[n]*o, no, not at all',* and said that the best thing for him would be if somebody was arrested and charged with the murder. [83] Jonathan Rees said that the person who had been charged alongside him in connection with the murder (see Chapter 3, The Hampshire/Police Complaints Authority Investigation) had since been to court and had been exonerated.[84] When his client asked if he himself was also acquitted, he replied *'*[n]*o, not at all, I know there was no connection and nothing to do with me, so I'm not worried about it'.* [85]

57. On 09 June 1999, Jonathan Rees was recorded during a telephone conversation with an unknown person, discussing the civil claim he had brought against Hampshire Constabulary, after he had been arrested and charged with the murder of Daniel Morgan. In the conversation, he dismissed a number of the motives that had been suggested as reasons he might have killed Daniel Morgan, stating *'at the end of the day there is no evidence to say that I fucking murdered him'.*[86] Further on during the same conversation, he continued:

> *'Now we know there is fuck-all there, there's nothing, there never was anything, there never will be anything, that's if...yeah...yeah that's right... well because there is a lot of fucking, fat drunken animals out there... eh... no I'm not I'm a fucking innocent man….'*[87]

58. As the other side of the conversation is not available, it is not possible to know exactly to what Jonathan Rees was responding when he declared himself an '*innocent man*'.

3.3.3 The 'trigger' article in the Daily Telegraph

59. The approach to intelligence-gathering during Operation Nigeria/Two Bridges included the proactive step of placing an article in the *Daily Telegraph*[88] on 02 July 1999, using the information received by the police from Person F11 concerning Daniel Morgan's murder. As discussed above (see paragraphs 33-35), the article was based on Person F11's witness statement of January 1999, where he claimed that James Cook had been the driver and '*Glen VINES*' had committed the murder. Person F11 also claimed to know the hidden location of the car after the murder, in a garage in Cheam used by Person P9:

> '[Person P9] *was terrified of COOK. He didn't tell me who put the car in the garage but said that it was stored there and covered with a tarpaulin. Jimmy COOK told me that when things had died down they had collected the car and destroyed it.'*[89]

80 Murder Review Report by DI Steve Hagger, MPS020525001, p65, 06 October 2000.
81 Transcript of listening device, MPS050231001, pp2-5, 2 July 1999.
82 Transcript of listening device, MPS061013001, p9, 13 May 1999. The identity of the 'client' is not known.
83 Transcript of listening device, MPS061013001, pp9-10, 13 May 1999.
84 Transcript of listening device, MPS061013001, p10, 13 May 1999.
85 Transcript of listening device MPS061013001, p10, 13 May 1999.
86 Summary of transcript, MPS104746001, p4, 09 June 1999.
87 Summary of transcript, MPS104746001, p4, 09 June 1999.
88 *Daily Telegraph,* 'Car clue to 12-year-old axe death mystery', MPS040636001, p2, 02 July 1999.
89 Statement of Person F11, MPS046816001, p2, 22 January 1999.

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60. Using this intelligence, the *Daily Telegraph* article was intended to stimulate discussion at Law & Commercial, which would then be captured by the intrusive listening device.

61. The text of the article was as follows:

> *'**Car clue to 12-year-old axe death mystery** – one of the most perplexing unsolved murder inquiries to face the Metropolitan Police – the axe murder 12 years ago of a private detective – has been re-opened following the emergence of what the force describes as "crucial" new information.*
>
> *'Daniel Morgan, 37, was bludgeoned to death with an axe in a pub car park on March 10, 1987. The Daily Telegraph understands that the new information concerns the hiding and disposal of the getaway car.*
>
> *'Despite extensive inquiries by the Met and Hampshire Police over the past 12 years, no one has been convicted for the murder at the Golden Lion in Sydenham, South London.*
>
> *'There were no witnesses, no forensic evidence and – despite the murkiness of the world inhabited by Mr Morgan – no clear motive.*
>
> *'The dead man's brother Alistair* [sic]*, has lobbied MPs and the Metropolitan Police Commissioner Sir Paul Condon for renewed police action, but the case had appeared to have gone cold.*
>
> *'But one police source disclosed: "We know the getaway car, though it doesn't exist anymore. We know where the car went after the murder and we know where it was stored, off the street in south west London. We believe we know how it was disposed of. We also have a strong suspect for the getaway driver."*
>
> *'The police source said: "there may or may not have been a management committee behind this murder. We hope we're going to be able to find out now."'*[90]

62. Until the publication of the *Daily Telegraph* article in July 1999, Daniel Morgan's family were not aware of Operation Nigeria/Two Bridges, nor of its association with Daniel Morgan's murder, because it was a covert intelligence-gathering operation. On publication of the article, the family of Daniel Morgan expressed their shock and distress at learning such information in this manner. Members of the family, and Alastair Morgan in particular, have explained their dissatisfaction with not having been informed of the covert operation, either before its start or before the publication of the article (see Chapter 12, The Treatment of the Family). The family should have been informed just before publication, so that what appeared to be very important new information did not come as a shock to them.

90 *Daily Telegraph*, 'Car clue to 12-year-old axe death mystery', MPS040636001, p2, 02 July 1999.

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3.3.4 Conversations after publication of the 'trigger' article

63. Following publication of the *Daily Telegraph* article, the listening device within Law & Commercial captured a number of relevant interchanges. These are quoted at length below as they formed an important part of the consideration given in later years as to whether to bring charges against those suspected of the murder.

64. On the day the *Daily Telegraph* article was published, the following conversation was recorded:

[Sidney Fillery]	*'Can you pull the Telegraph up on that.*
[Jonathan Rees]	*'Yeah, why.*
[Fillery]	*'Page nine, they got the MORGAN murder in there again, erm, they found, they know how the getaway car was disposed of or something, whatever the getaway car means. I suppose that's good news because everybody knows where you were, you know, nobody's disputing where you were following the murder so you can't be driving any getaway cars.*
[Rees]	*'Er right.*
[Fillery]	*'They know where it was disposed of and all that, page nine in the Telegraph.*
[Rees]	*'Who phoned that through.*
[Fillery]	*'Peter COOK*
[Fillery]	*'You'll have to be on your guard about telephone calls obviously.*
[Rees]	*'Mmmm.*
[Fillery]	*'I don't remember anybody mentioning a getaway car or .... I mean, do you?*
[Rees]	*'No.* [Coughs, then mumbles under his breath] *... tell you if there was one, fucking wouldn't I…'*
.....	
[Rees]	[Call out to Alec Leighton] *'Hello my dear, is he alright, yeah, the Telegraph, yeah, it will be, yeah, it'll be that car that we use with our..., when our security guard got caught in it* [laughs] *yeah. I bet they got that fucking car that we had that security guard in… yeah, also the getaway car – well obviously the getaway car wasn't my fucking car because it's er, cos I was in it meself that night so frigging..., so obviously, yeah, so er oh right, so they obviously think it's someone else then, not me, yeah, yeah, yeah, so it's not as though they'd come and talk to me about it though, will they… but there was no witnesses, no forensic evidence...'* [91]

91 Record of interview, MPS050231001, pp2-5, 02 July 1999. The transcript refers to John Rees as 'Avon' and Sidney Fillery as 'Tyne', code names given at the time of the operation. These have been changed above for the sake of clarity.

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65. In a further transcript from the same day, Jonathan Rees was recorded on a telephone call to someone he called '*Jim'*, believed to be James Cook, in which he described the news article and what it covered. He explained that he'd phoned up the reporter, told him that he was suing the police, and asked him if he had any more information about the murder, because *'it's a help for me if they catch the murderers it would be good for my Case – won't it'*.[92]

66. Four days later, on 06 July 1999 between 9.34 am and 11.38 am, a conversation occurred between former DS Sidney Fillery and DC Thomas Kingston, who was at that time a suspended Metropolitan police officer.[93] Former DS Fillery said:

> *'We read, we read this fucking article in the Telegraph didn't we. Well what that means, who knows, I'd say it's good news because nobody's ever alleged that John was driving the getaway vehicle."*[94]

67. After further conversation, former DS Sidney Fillery asked:

> *'Do you have a getaway vehicle for that sort of murder? They say it's a hit. Do you have a getaway vehicle. We've obviously we've read all the statements."*[95]

68. DC Thomas Kingston then joked that '*John should put his hands up, because nobody believes him when he says he didn't do it'*.[96]

69. Later that same day, in conversation with Jonathan Rees, former DS Sidney Fillery again described the *Daily Telegraph* article as possibly being *'good news'*:

> [Sidney Fillery] *'Well, I mean, I've never heard of a get away car, I mean I read all the papers, another? Read the papers of even Alex MARAUCHECK* [sic], *he rung and said have you seen it ? … I've never heard of a get away car before and he said this, I said I didn't think it was that sort of murder, like with a get away car, is something like a smash and grab or something happened and he legged it, but all the pointers seem to be that this was an opportunist murder, I mean nobody's ever mentioned a get away car… certainly nobody's ever accused me of being on the scene, so it can't be me. I'm not the get away driver, it might be good news."*[97]

70. On 07 July, a conversation was recorded on the listening device between DC Thomas Kingston, Jonathan Rees and journalist Doug Kempster, while they were looking at a photograph believed to be of a body with head injuries.[98] The conversation is summarised on the transcript:

> *'KEMPSTER comments on crisps being left behind. KEMPSTER asks what happened to his trousers.* [Rees] *says it was like that like that* [sic] *when they found the body*

92 Summary/transcript. MPS007603001, p2, 02 July 1999.
93 Transcript of listening device, MPS100360001, p10, 06 July 1999.
94 Transcript of listening device, MPS100360001, p10, 06 July 1999.
95 Transcript of listening device, MPS100360001, p10, 06 July 1999.
96 Transcript of listening device, MPS100360001, p10, 06 July 1999.
97 Transcript of listening device, MPS040608001, pp5-6, 06 July 1999.
98 Audio summary of covert recording of conversations between Avon, Ganges (the name given to DC Thomas Kingston), Kempster and Tyne, MPS009863001, p14, 07 July 1999.

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– they said it was either by force of the attack that he had his hands on his pocket or "someone ransacking". [Rees] *said his Rolex watch went missing.'*[99]

71. Also, on 07 July 1999, as a result of the publication of the article in the *Daily Telegraph*, police met former DC Duncan Hanrahan**,** who had been convicted of serious criminal offences and was in prison. He claimed that in the late 1980s or early 1990s, Jonathan Rees had a blue, probably 5 series, BMW that he wanted to sell as he had bought a Ford Sierra. He was unable to get the price for it that he wanted, so he arranged with James Cook to have the vehicle stolen from the street.[100] The Metropolitan Police deduced that '*HANRAHAN was inferring that this may have been the method used by REES to dispose of the vehicle used in the MORGAN murder*'.[101] Former DC Hanrahan did not explicitly relate the information to Daniel Morgan's murder himself.

72. On 13 August 1999, around six weeks after the publication of the *Daily Telegraph* article, Jonathan Rees, Glenn Vian and former DS Sidney Fillery had the following conversation in the offices of Law & Commercial about James Cook, believed to be in reference to the murder of Daniel Morgan and the car allegedly driven by James Cook to the scene of the crime, and later stored in the garage used by Person P9:[102]

[Jonathan Rees]	*'What happened to the car, I mean did he have the car at one time was that...*
[Glenn Vian]	*'He did yeah, but he's got to rope someone else in, you'd have to go right the other way wouldn't he. And someone else has said I think he's got too much to lose. To go right the other way. It'd been involving in too many people.*
[Glenn Vian]	*'The person who got rid of the car. I mean they haven't got a hope to reach that car. That cars [sic] not there any more. There's no proof, it's all hearsay, all hearsay innit, one person's hearsay. No (?) there's no (?) either (?) fuck all, nothing. It's (?) may be some other people depending on who he's (?) or why but there's a few people who don't like him. Including the person that got rid of the motor who I know doesn't like him. He was his alibi. But he likes me, but he didn't tell me, he just said I know it's bollocks. Too many people have said it. Plenty of people I don't even know.'*[103]

73. This conversation, along with Jonathan Rees's call to James Cook on the day that the *Daily Telegraph* article was published, were to form part of the case developed by both the Abelard One/Morgan Two Investigation, and the Abelard Two Investigation (discussed in Chapters 6 and 8).

3.3.5 Conversations relating to Kevin Lennon

74. In numerous instances in the transcripts of recordings by the Operation Nigeria/Two Bridges listening device, those within Law & Commercial appeared to be discussing a civil action brought by Jonathan Rees against his former solicitor. During such discussions, intelligence

99 Audio summary of covert recording of conversations between Avon, Ganges, Kempster and Tyne, MPS009863001, p14, 07 July 1999.
100 MPS040633001, p2, 07 July 1999.
101 MPS040633001, p2, 07 July 1999.
102 The transcript uses the annotation *'(?)'* to indicate text missing due to the poor quality of the listening device recording. The original transcript has the code names 'Avon' for Jonathan Rees and 'Darwin' for Glenn Vian, but these have been changed here for clarity.
103 Record of interview, MPS000769001, p7, 13 August 1999.

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from the device suggested that in a conversation with former DS Alec Leighton, Jonathan Rees expressed that he was keen for former DS Leighton to speak to Kevin Lennon in an effort to persuade him to change the evidence he had given to the Morgan One Investigation. This was apparently with the intention of assisting Jonathan Rees's civil claim. The listening device recorded a discussion about the possibility of offering Kevin Lennon money in exchange for him changing his account.[104]

75. On 27 August 1999, it was decided that Operation Nigeria/Two Bridges should '[i]*dentify whether Kevin Lennon has been approached by Alec Leighton*', but this was not done.[105] It was later followed up by the Abelard One/Morgan Two Investigation which was set up in the aftermath of Operation Nigeria/Two Bridges (see Chapter 6, The Abelard One/Morgan Two Investigation, paragraph 56).

3.4 Discovery of a conspiracy to pervert the course of justice

76. Before the publication of the 'trigger' article in the *Daily Telegraph* on 02 July 1999,[106] indications had already begun to emerge from conversations captured by the intrusive listening device at Law & Commercial about a conspiracy to pervert the course of justice.

77. On 02 July 1999, an application was made for the renewal of the authorisation to use the listening device**,** reasoning:

> *'The purpose of the intrusive surveillance is yet to be achieved. The monitoring of the premises has identified serious criminal offences yet the intelligence gained surrounding the murder of Daniel MORGAN has been scarce* […]. *A story in the Daily Telegraph 02/07/99 has already provoked a reaction. Monitoring of the facility will hopefully obtain evidence to support a criminal prosecution for the murder of Daniel MORGAN."*[107]

78. The *'serious criminal offences'* discovered by Operation Nigeria/Two Bridges within Law & Commercial had nothing to do with the murder of Daniel Morgan; instead they related to a conspiracy to plant Class A drugs on the wife of a client of Law & Commercial and to have her arrested, with the intention of strengthening the client's position in an ongoing child custody battle.[108] This conspiracy was undertaken with the complicity of a serving police officer, DC Austin Warnes.[109]

79. A separate police investigation and prosecution ensued, and Jonathan Rees, DC Austin Warnes and Simon James were convicted of conspiracy to pervert the course of justice in the case of *R v William Jonathan Rees & Simon Charles James*.[110]

80. A separate application for approval for the renewal of surveillance later in 1999 suggested that the investigation into the planting of drugs on the woman had an impact on the ability of Operation Nigeria/Two Bridges to pursue the murder case: '*It is envisaged that as soon as the risk to* [the wife of the client of Law & Commercial] *diminishes the impetus can return to the Daniel MORGAN murder."*[111]

104 Listening device transcript, MPS099685001, p379, 18 August 1999.
105 Action A659, MPS099071001, p1, 27 August 1999.
106 *Daily Telegraph*, 'Car clue to 12-year-old axe death mystery', MPS040636001, p2, 02 July 1999.
107 Surveillance renewal application, MPS099739001, p181, 02 July 1999.
108 Operation Two Bridges Internal Investigation, MPS099294001, p8, 01 January 1999.
109 Operation Two Bridges Internal Investigation, MPS099294001, p4, 01 January 1999,
110 Operation Two Bridges Internal Investigation, MPS099294001, p46, 01 January 1999.
111 Surveillance renewal application, MPS099739001.

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81. However, continued use of the intrusive listening device was rendered impossible once the Metropolitan Police were forced to disclose the transcripts of the recordings produced, during the course of the criminal prosecution.[112] For this reason, the listening device ceased to operate after the arrest of Jonathan Rees on 24 September 1999,[113,114] with an application to cancel the device made by D/Supt Robert Quick on 29 September 1999, and authorised on 05 October 1999.[115]

82. The decisions made in the context of the *R v William Jonathan Rees & Simon Charles James* case were reasonable. The listening device continued to be deployed until disclosure of its presence to the suspects meant it had to stop. The listening device could only be used until the suspects became aware of it through disclosure. This was not a murder investigation but an intelligence-gathering operation; it was appropriate to stop that intelligence-gathering once the listening device had ceased to be of use.

3.5 Information not provided to the operation

83. The Panel has identified three instances in which the Metropolitan Police were in possession of intelligence potentially relevant to the murder of Daniel Morgan that was not supplied to Operation Nigeria/Two Bridges. The intelligence consisted of the following:

i. Information that had been provided in 1995 to the Complaints Investigation Bureau 2 (CIB2) by a Metropolitan Police Detective Constable about another police officer's involvement in the murder;[116] as well as a report that the crime scene '*had been cleaned up*',[117] implying that forensic evidence had been deliberately removed or destroyed.

ii. After publication of an appeal for information on the Metropolitan Police's Intranet in 2014, a Detective Constable, who in 1993 had worked on Operation Gallery (see above, paragraphs 4-5), approached the Abelard Two review support team. He indicated that some aspects of Operation Gallery were related to the Daniel Morgan murder and confirmed that he had received significant intelligence, which he had recorded on the police database. This intelligence related to a named police officer who had never been considered a suspect in the murder of Daniel Morgan, but of whom it was said there was an acceptance among some of the officers at the station where he worked that he was responsible for '*the axe murder of a private detective some time ago where the victim had an axe buried in his head*'.[118] The record explaining these events commented that the Directorate of Professional Standards should have provided this information to Operation Abelard Two. However, the Panel has seen no evidence to support the involvement of the named officer in the murder of Daniel Morgan.

112 Schedules of pre-interview disclosure, MPS099739001, pp217-227.
113 Jonathan Rees – Schedule of pre-interview disclosure, MPS099739001, p218, served on 24 September 1999.
114 Various surveillance applications and renewals, MPS099739001, p214, 11 April 2000.
115 Minutes of Two Bridges Surveillance Report MPS009510001, p47, undated.
116 Debriefing of the Detective Constable who contacted CIB2, MPS099714001, pp24-25, 22 September 2000.
117 Disclosure file (1) for Daniel Morgan Murder Review team, MPS099714001, p34.
118 Record of contact from the Detective Constable who contacted the Metropolitan Police Review support team re Operation Gallery, MPS108179001, p2, 11 December 2014.

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iii. Information about the murder reportedly passed on 01 October 1998 to the Complaints Investigation Bureau by a source and investigated on 28 October 1998 by two police officers. This information was logged onto a database but no further action was taken as the information was deemed to be factually incorrect. DCI Barry Nicholson was not made aware of this matter until 08 May 2000.[119,120]

84. DCI Barry Nicholson, Senior Investigating Officer for the operation, complained in a memo in June 2000 that he had not received the intelligence from 1995 and 1998 (i and iii above).[121] He was not at that time aware of the intelligence held by the Complaints Investigation Bureau 3 (CIB3) from 1993 (ii above), which came to light only in 2014 during the Panel's research and had not been made available to any of the investigations into Daniel Morgan's murder.

85. The Panel discussed all these instances of failure to share information with former DCI Barry Nicholson. He told the Panel that, in his view, as Senior Investigating Officer he should have had access to all relevant intelligence. He said that he understood this approach, of refraining from sharing information, to have been a strategic decision taken by CIB3 in respect of its operations generally. It was not in any way limited to Operation Nigeria/Two Bridges.[122]

86. When the Panel met former D/Supt Robert Quick, he explained that the Complaints Investigation Bureau Intelligence Cell (CIBIC) sometimes guarded its information '*very jealously*' and was hesitant about disclosure.[123] Former D/Supt Christopher Jarratt indicated to the Panel that information provided by CIBIC to Operation Nigeria/Two Bridges was always frank, but it might not always have been full.[124]

87. Three instances in which potentially relevant intelligence held by the Metropolitan Police was not passed to Operation Nigeria/Two Bridges is a major concern. While none of the pieces of intelligence appears to have been particularly strong, the Panel nevertheless agrees with the Senior Investigating Officer of Operation Nigeria/Two Bridges, DCI Barry Nicholson, that he should have been provided with relevant information. Nor was the intelligence provided to any of the investigations into Daniel Morgan's murder as it should have been to comply with disclosure rules.

The intelligence gathered during Operation Gallery in 1993 came to light only as a result of the work of the Panel, which in December 2014 requested that the Metropolitan Police circulate a message to any officer with information about the murder of Daniel Morgan to come forward. Failing properly to record material gathered on an unsolved murder negated the purpose of so doing and made the exercise pointless.

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119 Letter from DCI Barry Nicholson to a D/Supt, MPS099649001, pp2-3, 27 June 2000.
120 Letter to D/Supt Robert Quick (through DCI Barry Nicholson), MPS099649001, pp4-6, 27 June 2000.
121 Memo from DCI Barry Nicholson to a D/Supt, MPS099649001, pp2-3, 27 June 2000.
122 Panel meeting with former DCI Barry Nicholson, PNL000239001, p1, 22 July 2016.
123 Panel meeting with former D/Supt Robert Quick, p8, 24 August 2016.
124 Panel interview with former D/Supt Christopher Jarratt, PNL000247001, p2, para 13, 28 September 2016.

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4 Later perceptions of the Operation by the Murder Review Group

88. The Metropolitan Police's records indicate that only 15 out of a total of 1909 lines of enquiry to be investigated in Operation Nigeria/Two Bridges[125] appeared to relate to the investigation of Daniel Morgan's murder.[126]

89. A Murder Review Group report produced in October 2000 illustrates how Operation Nigeria/Two Bridges was seen within the Metropolitan Police. Between June and October 2000, while the legal proceedings arising from Operation Nigeria/Two Bridges were ongoing, DI Steve Hagger from the Metropolitan Police's Murder Review Group conducted a review of the previous investigations into Daniel Morgan's murder with a view to determining whether further investigative opportunities existed. His report is covered in depth in Chapter 5. In his report, DI Hagger described Operation Nigeria/Two Bridges as '*a pro-active operation undertaken by CIB(3) to investigate "corrupters of police"*'.[127]

90. In a Parliamentary debate in July 2004, Home Office Minister Caroline Flint MP explained the Government's view that the murder of Daniel Morgan had been extensively investigated. She said that:

> *'after four investigations and a coroner's inquest, the Government do not consider there to be a realistic prospect of uncovering new evidence. I believe that the efforts of the Metropolitan police to pursue the case to a successful conclusion, despite not having done so, have been extraordinary, and to their credit they have been prepared to look again and again at what happened 17 years ago....'*

91. In the same debate, Caroline Flint MP suggested that investigation of the murder was the primary objective of the operation and investigation of corruption a secondary matter:

> *'A third police investigation* [Operation Nigeria/Two Bridges] *was carried out as an intelligence-led, covert investigation for the purpose of gathering evidence about the murder of Daniel Morgan as well as allegations of police corruption.'*[128]

92. The available information suggests that gaining intelligence about the murder of Daniel Morgan was in effect a secondary objective of Operation Nigeria/Two Bridges, the primary objective being to gain evidence of police corruption. In this, the operation was successful, with the convictions of a serving officer, DC Austin Warnes, as well as Jonathan Rees and Simon James for conspiracy to pervert the course of justice.

125 Actions A1460 to A1891, MPS099267001, p13, 22 May 2000.
126 List of Documents referring to Daniel MORGAN (as compiled by the MPS), Operation Two Bridges, MPS099593001, p3, 22 May 2000.
127 Metropolitan Police Murder Review Group report, MPS094325001, p217, 06 October 2000.
128 Adjournment debate, http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040706/halltext/40706h04.htm 06 July 2004.

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93. However, information received by the Home Office, and provided to Minister Caroline Flint MP prior to the debate, implied that the primary objective of Operation Nigeria/Two Bridges was the investigation of Daniel Morgan's murder. Although unintentional on the part of the Minister, the effect of the mischaracterisation is that the family of Daniel Morgan, Parliament and the wider public were misled on this point (see also Chapter 12, The Treatment of the Family).

94. The operational strategy used by the Metropolitan Police to gather intelligence was effective, but it did not result in any leads that could have been progressed in relation to the investigation into Daniel Morgan's murder. However, the intelligence gathered by Operation Nigeria/Two Bridges was shared within the Metropolitan Police and contributed to the subsequent decision to undertake a Murder Review.

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Chapter 5: The 2000 Murder Review: The Cold Case Review of the Investigation into Daniel Morgan's Murder

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4 The 2000 Murder Review Report: methodology

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8 The Metropolitan Police response to the 2000 Murder Review Report

1 Introduction

1. Today it is routine for unsolved murders, or cold cases, to be reviewed periodically, to explore whether new evidential opportunities exist which justify reopening the investigation. This was less the case prior to the millennium. However, in 1998 the Association of Chief Police Officers (ACPO) Crime Committee issued revised guidelines for the review of cold cases. Further to the guidelines, the Metropolitan Police determined that all undetected murders committed since 1997 should be reviewed, as well as, exceptionally, some murders committed before 1997. The murder of Daniel Morgan in 1987 was judged an exceptional case and was the first pre-1997 murder to be reviewed according to the new procedure.

2. In June 2000, a review of the investigation into the murder of Daniel Morgan commenced, undertaken by the Metropolitan Police Murder Review Group. DI Steve Hagger, assisted by two other officers, worked solely on the records generated by the two previous police investigations (Morgan One and Hampshire/Police Complaints Authority), as well as relevant intelligence

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arising from other police operations (principally Operation Nigeria/Two Bridges). Their review was purely documentary: they did not interview officers previously involved in the case, nor did they contact Daniel Morgan's family. They did not work on any other matter at this time.

3. The Panel refers to the review, here and elsewhere in our Report, as 'the 2000 Murder Review'. DI Steve Hagger completed his 86-page Murder Review Report in October 2000. The Report contained 83 recommendations and, in addition, identified 22 considerations, or lines of enquiry, that a future investigation might consider. It was on the basis of this Murder Review Report, together with representations from other sources, that in 2001 the third investigation into Daniel Morgan's murder (Abelard One/Morgan Two) was mounted.

1.1 Chronology of key events relating to the 2000 Murder Review

- **Autumn 1998** Introduction of the Murder Investigation Manual by the Association of Chief Police Officers (ACPO) and the ACPO Crime Committee 'Revised Guidelines for Major Crime Reviews'.
- **24 September 1999** During the course of Operation Nigeria/Two Bridges, 11 suspects were arrested in connection with offences centred on a conspiracy to pervert the course of justice.
- **03 November 1999** DI Michael Gates, who had worked on Operation Nigeria/Two Bridges, was instructed to review the information gained from that operation relating to the murder of Daniel Morgan, to ascertain if there was new evidence.
- **16 November 1999** D/Supt Robert Quick wrote to DCI Barry Nicholson requesting a report cataloguing developments during Operation Nigeria/Two Bridges and providing an analysis of any new investigative opportunities.
- **02 February 2000** DI Michael Gates produced a report summarising five pieces of intelligence originating from Operation Nigeria/Two Bridges.
- **03 February 2000** Upon receipt of DI Michael Gates' report, DCI Barry Nicholson wrote to DAC Roy Clark, stating that '*it may now be appropriate for consideration to be given, to appointing a Murder Review Team*'.
- **03 February 2000** DCS David Wood forwarded DI Michael Gates' report to Commander Andrew Hayman. In his accompanying note, DCS Wood stated his agreement that the murder should be reviewed.
- **23 May 2000** DCI Barry Nicholson briefed DCS Barry Webb, first Head of the Murder Review Group, on the intelligence contained in DI Gates' report. As a result of that briefing, DCS Webb agreed to review the murder of Daniel Morgan.
- **26 June 2000** DI Steve Hagger was appointed to conduct the 2000 Murder Review under the Terms of Reference laid down by DCS Barry Webb.
- **06 October 2000** The review was completed, and the 2000 Murder Review Report was produced by DI Steve Hagger.
- **14 November 2000** DI Steve Hagger presented the 2000 Murder Review Report to senior officers, and a re-investigation was agreed.

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- **February 2001** As a result of the 2000 Murder Review Report, the Abelard One/ Morgan Two Investigation was established (see Chapter 6, The Abelard One/Morgan Two Investigation).

Officers of significance in the 2000 Murder Review, in order of rank

- Deputy Assistant Commissioner Roy Clark
- Detective Chief Superintendent Barry Webb
- Detective Inspector Steve Hagger

2 Background to the 2000 Murder Review

4. In 1998, the Association of Chief Police Officers (ACPO) introduced two policy documents, both of which included reference to the cold case review of murder investigations. The 'Murder Investigation Manual', introduced in September 1998, stated that '*it is good practice to periodically review undetected murder cases. It is suggested this is undertaken at least every two years.*'[1]

5. The other policy document, the ACPO Crime Committee's 'Revised Guidelines for Major Crime Reviews', stated that:

> '[t]*he objective of any review is to constructively evaluate the conduct of an investigation to ensure:*
>
> - *It conforms to nationally approved standards;*
> - *It is thorough;*
> - *It has been conducted with integrity and objectivity;*
> - *That no investigative opportunities have been overlooked;*
> - *That good practice is identified.*'[2]

6. The purpose of such cold case reviews was to be of assistance to the police, primarily by checking the work undertaken and by recommending lines of enquiry. The Metropolitan Police Special Notice 6/99, dated March 1999, stated the following:

> '*It is important to stress that there is an absolute need for a review to be carried out in a spirit of co-operation between the reviewing officer and the SIO* [Senior Investigating Officer]. *The review should always be regarded by an SIO as being of assistance and support to the investigation.*'[3]

1 Association of Chief Police Officers, '*Murder Investigation Manual*', MPS109705001, p247, September 1998.
2 Association of Chief Police Officers, '*Murder Investigation Manual*', MPS094339001, p229, 2006.
3 Special Notice 6/99, MPS107551001, p15, 31 March 1999.

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7. The Metropolitan Police Special Notice 6/99 further stated that:

> *'[u]ndertaking a cold case review on all existing unsolved murders will not be practical. The cold-case review procedure will apply to all undetected murders committed after Wednesday 1 January 1997. Consideration should be given to reviewing older cases as workload permits.'*[4]

2.1 Operation Nigeria/Two Bridges draws to a close

8. In September 1999, Operation Nigeria/Two Bridges, which had focused on links between corrupt police officers and Law & Commercial (formerly Southern Investigations, the business that had been managed jointly by Jonathan Rees and Daniel Morgan), led to a number of arrests. On 24 September, 11 people were arrested in connection with offences centred on a conspiracy to pervert the course of justice (see Chapter 4, Operation Nigeria/Two Bridges). Officers continued to receive information relevant to Operation Nigeria/Two Bridges after the arrests.

9. Further to requests from Daniel Morgan's brother, Alastair Morgan, in September and October 1999, both Richard Livsey MP[5] and Chris Smith MP[6] wrote to DAC Roy Clark, who had led the operation, seeking information as to whether evidence gathered had been assessed in relation to the murder of Daniel Morgan. DAC Clark replied in similar terms to both letters.[7,8] In his letter to Richard Livsey MP, he said the following (emphasis in original):

> *'I also indicated* [to Alastair MORGAN and Isobel HÜLSMANN, Daniel MORGAN's mother] *that we have not yet uncovered any additional evidence that would justify the arrest and charge of any person for the murder of Daniel MORGAN. However, our enquiries remain very active, are ongoing and involve many investigating officers.'*[9]

10. It was inaccurate of DAC Roy Clark to describe ongoing enquiries into Daniel Morgan's murder as '*very active*' and involving '*many investigating officers*'. The Panel's analysis has shown that between September and November 1999, enquiries were limited to intelligence interviews held with two individuals, and the focus had been on police corruption generally, not Daniel Morgan's murder.

11. Alastair Morgan's ongoing campaigning coincided at this time with the Association of Chief Police Officers' policies in 1998 to carry out murder reviews, and with the publicity surrounding Operation Nigeria/Two Bridges. This campaigning, including Alastair Morgan liaising with Richard Livsey MP and Chris Smith MP, was influential in prompting the Metropolitan Police to evaluate the evidence obtained in relation to Daniel Morgan's murder during Operation Nigeria/Two Bridges.

4 Special Notice 6/99, MPS107551001, p20, 31 March 1999.
5 Letter from Richard Livsey MP to DAC Roy Clark, MPS046677001, p18, 28 September 1999.
6 Letter from Chris Smith MP to DAC Roy Clark, MPS046677001, p15, 14 October 1999.
7 Letter from DAC Roy Clark to Richard Livsey MP, MPS046677001, pp16-17, 15 October 1999.
8 Letter from DAC Roy Clark to Chris Smith MP, MPS046677001, p14, 20 October 1999.
9 Letter from DAC Roy Clark to Richard Livsey MP, MPS046677001, p16, 15 October 1999.

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2.2 DI Michael Gates' report

12. On 03 November 1999, DI Michael Gates of the Complaints Investigation Bureau 3 (CIB3), the anti-corruption unit that had worked on Operation Two Bridges (See Chapter 4 Operation Nigerla/Two Bridges), was instructed to '*review information gained during Operation Two Bridges relating to the murder of Daniel MORGAN and ascertain is* [sic] *there is any new evidence relating to this offence*'.[10]

13. On 16 November 1999, D/Supt Robert Quick, who was in CIB3, wrote to DCI Barry Nicholson (the Senior Investigating Officer responsible for Operation Two Bridges), stating:

> *'I am aware you have commissioned an internal review by DI Gates of any progress that can be said we have made in respect of the investigation of the murder of Daniel Morgan.* [...] *In order to asset* [sic] *in determining the best course I require a detailed report cataloguing all relevant developments during the course of Two Bridges and an analysis of any new investigative opportunities.'*[11]

14. DI Michael Gates produced a three-page report on 02 February 2000. This stated that: '[d]*uring the course of the investigation information and intelligence concerning the murder of Daniel MORGAN has been forthcoming from a number of sources*'.[12] DI Gates summarised five pieces of intelligence, four of which contained new information apparently relevant to the investigation of Daniel Morgan's death. These were as follows:

i. That, on 13 August 1999, a man believed to be Glenn Vian (brother-in-law of Jonathan Rees) attended Law & Commercial and spoke to Jonathan Rees. The report noted that the conversation '*appears to relate to a discussion centred on the disposal of a car*';[13] that '*Jimmy COOK is mentioned*' (James Cook, an associate of Jonathan Rees);[14] and that '*no one is named as being directly responsible for getting "Rid of the car"*'.[15] The report stated that the information was loosely corroborated by an identified source, Person F11, who told the police that James Cook '*drove Daniel MORGAN'S murderer away from the scene in a car which was initially stored in a garage by* [Person P9]'.[16] The report noted that Person F11 subsequently retracted the information, and that Person P9 '*steadfastly refused*' to comment on the information, in the view of the officers concerned, out of '*fear for his personal safety and that of his family*'.[17]

ii. That information had been received via Surrey Police from someone claiming to have knowledge of Daniel Morgan's murder (but which, according to the report by DI Michael Gates, appeared to be factually incorrect) and that the Metropolitan Police had asked Surrey Police for further information, but none was received. The Panel has identified no further documentation in relation to this.

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10 Action A979, MPS099265001, pp1-2, 03 November 1999.
11 Minute from D/Supt Robert Quick to DCI Nicholson, MPS046677001, p9, 16 November 1999.
12 Report re Operation Two Bridges by DI Michael Gates, MPS046677001, p11, 02 February 2000.
13 Report re Operation Two Bridges by DI Michael Gates, MPS046677001, p11, 02 February 2000.
14 Report re Operation Two Bridges by DI Michael Gates, MPS046677001, p11, 02 February 2000.
15 Report re Operation Two Bridges by DI Michael Gates, MPS046677001, p11, 02 February 2000.
16 Report re Operation Two Bridges by DI Michael Gates, MPS046677001, pp11-12, 02 February 2000.
17 Report re Operation Two Bridges by DI Michael Gates, MPS046677001, p12, 02 February 2000.

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iii. That, in October 1999, William Newton, an accountant employed by Law & Commercial, made contact with the police, claiming to have information about Daniel Morgan's murder. DI Michael Gates' report stated that William Newton was interviewed but was unable to provide any information of value, and concluded that:

> *'*[i]*t is the belief of the interviewing officers that MR. NEWTON'S approach to police was motivated by self protection in that he was aware of the corrupt and dishonest dealings undertaken by Law and Commercial .It* [sic] *is considered that he wished to prevent his own arrest by giving the appearance of an honest and conscientious individual.'*[18]

iv. That, in November 1999, a police officer[19] who was attached to Streatham Police Station contacted the office of DI Michael Gates to pass on some information. He had been investigating an assault between two former employees of Southern Investigations, David Bray and one other, the alleged victim of the assault. The alleged victim claimed that David Bray, the alleged assailant, had told him that he had heard that the police were reinvestigating the murder of Daniel Morgan. The alleged victim also claimed that David Bray had told him not to talk to the police or give them any information. DI Gates then stated:

> *'*[o]*fficers from this office contacted [the alleged victim] and spoke to him at length. It was apparent that* [the alleged victim] *had nothing to add in the way of information or evidence concerning the murder of MR. MORGAN other than vague impressions that BRAY was acting suspiciously.'*[20]

15. The Panel has set out further analysis of items i and iii above, regarding the conversation relating to the disposal of a car, and William Newton's claim to have information, in Chapter 4, Operation Nigeria/Two Bridges.

16. The report by DI Michael Gates concluded by suggesting that '[i]*n addition to the avenues of enquiry discussed thus far it is thought, in the light of scientific advances in DNA identification, that a re-examination of existing forensic evidence would be a primary consideration*'.[21]

17. Upon receipt of the report by DI Michael Gates, DCI Barry Nicholson (also of the Complaints Investigation Bureau 3, CIB3) submitted a minute to DAC Roy Clark, who was then responsible for murder reviews, stating the following:

> *'It was obvious during the investigation* [Operation Nigeria/Two Bridges] *that Glen* [sic] *VIAN and Jonathan Ree's* [sic] *were concerned about any mention of the Daniel Morgan Murder in the Media. The conversation recorded on the 13th August 1999 indicates their worries, including the mention of Jimmy Cook, who may have been involved in the murder.*
>
> *'There are very little new leads to assist a Murder investigation. The new advances in the field of Forensic evidence may assist this investigation. It may now be appropriate for consideration to be given, to appointing a Murder Review Team into the Murder of Daniel Morgan.'*[22]

18 Report re Operation Two Bridges by DI Michael Gates, MPS046677001, p13, 02 February 2000.
19 Information report, MPS040634001, p2, 9 November 1999.
20 Report re Operation Two Bridges by DI Michael Gates, MPS046677001, p12, 02 February 2000.
21 Report re Operation Two Bridges by DI Michael Gates, MPS046677001, p13, 02 February 2000.
22 Minute from DCI Barry Nicholson to DAC Roy Clark, MPS046677001, p10, 03 February 2000.

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18. This minute went via DCS David Wood, of CIB3, who then forwarded it, with DI Michael Gates' report, to Commander Andrew Hayman of the Complaints Investigation Bureau, with the following note:

> *'You may want sight of these papers. I agree that the murder should now be reviewed in the light of the new information."*[23]

19. On 23 May 2000, DCI Barry Nicholson briefed DCS Barry Webb, Head of the Murder Review Group, in a report on the potential leads identified in DI Michael Gates' report. According to DCI Nicholson, DCS Webb *'agreed to review the MORGAN murder and treat the investigation as a "Special Investigation"'*.[24]

20. The Panel asked former DI Steve Hagger, in interview, why DCS Barry Webb had referred to the review as a '*Special Investigation*'.[25] Former DI Hagger said that he did not know what the term meant, but possibly it was used because the review was outside of the normal two-year time limit for murder reviews, as set out in the Murder Investigation Manual (see paragraph 4 above).[26]

21. The Panel has seen no document which makes clear who instigated a cold case review of Daniel Morgan's murder. However, it is noted that DAC Roy Clark was at the time responsible for murder reviews and had told the family as early as April 2000[27] that he planned to have a review carried out. The Complaints Investigation Bureau 3 (CIB3), who had run Operation Two Bridges, had also been suggesting a review be carried out towards the end of 1999.[28]

22. The Metropolitan Police acted appropriately in ordering a cold case review of Daniel Morgan's murder. New, relevant intelligence had been gathered since the Morgan One and Hampshire/Police Complaints Authority investigations. This justified reviewing a murder which occurred in 1987.

3 The Terms of Reference of the 2000 Murder Review

23. The Terms of Reference for the 2000 Murder Review, set by DCS Barry Webb, were as follows:

> *'To undertake a cold case review of the investigation into the death of Daniel John MORGAN, which occurred on Tuesday 10 March 1987.*
>
> *(a) To assess if all reasonable investigative leads have been exhausted.*
>
> *(b) To establish if new evidence and/or changes in investigative techniques is available.*

23 Minute from DCS David Wood to Cdr Andy Hayman, MPS046677001, p10, 03 February 2000.
24 Report from DCI Barry Nicholson to DCS Robert Quick, MPS049767001, p1, 02 August 2000.
25 Minute from DCI Barry Nicholson to DCS Robert Quick, MPS049767001, p1, 02 August 2000.
26 Panel interview with former DI Steve Hagger, p5, para 40, 31 May 2016.
27 Note of family meeting with DAC Roy Clark, MPS046679001, p9, 04 April 2000.
28 Minute from D/Supt Robert Quick to DCI Nicholson, MPS046677001, p9, 16 November 1999.

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(c) *To evaluate whether events since the original two investigations has* [sic] *led to potential for key witnesses to change allegiances.*

'The review will focus upon the following:-

1. *Forensic opportunities.*
2. *Locating relevant exhibits and documentation.*
3. *Evidential issues.*
4. *Key witness – analysis of evidence and whether they have changed allegiance.*
5. *Suspect availability.*
6. *Whether recent developments in regard to some of the original suspects offers* [sic] *any pro-active opportunities.*

'The report to include a recommendation as to whether a focused reinvestigation should be undertaken."[29]

24. The 2000 Murder Review began on 26 June 2000, when DI Steve Hagger was appointed to lead the review under these Terms of Reference. DI Hagger reported to DCS Barry Webb. He was supported by a Detective Sergeant and a Detective Constable.[30]

25. In interview, former DI Steve Hagger told the Panel that the Daniel Morgan case was the first occasion when there had been a review, under the new procedures, of a murder occurring before 1997. The case was high profile, and the 2000 Murder Review team were given more resources than became standard; the review team worked exclusively on the case for three to four months, whereas in later years, most Murder Review Group teams reviewed several cases simultaneously.[31]

26. The relatively generous staffing and duration of the 2000 Murder Review was justified by the high public profile of the case and the suggestion that police corruption might have played a part.

27. In accordance with its Terms of Reference, one of the purposes of the review was to '*establish if new evidence and/or changes in investigative techniques is available*'.[32] Former DI Steve Hagger told the Panel that the Terms of Reference became the standard for all murder reviews during his time in the Murder Review Group, between 2000 and his retirement in 2007.[33]

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29 Appendix A: Terms of Reference, MPS054324001, p4, 06 October 2000.
30 2000 Murder Review Report, MPS020525001, p7, para 3.3, 06 October 2000.
31 Panel interview with former DI Steve Hagger, p1, para 5, 31 May 2016.
32 Appendix A: Terms of Reference, MPS054324001, p4, 06 October 2000.
33 Panel interview with former DI Steve Hagger, p1, para 6, 31 May 2016.

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4 The 2000 Murder Review Report: methodology

28. The 2000 Murder Review Report, completed in October 2000, summarised briefly the sequence of events occurring between 18 March 1986, when the Belmont Car Auctions robbery (the alleged theft of auction takings in an assault on Jonathan Rees) occurred, and 26 June 2000, when the 2000 Murder Review began.[34]

29. The 2000 Murder Review Report described its methodology, stating:

i. '*Exhibits and papers have been located and collated*.'

ii. '*Forensic opportunities were explored in light of advances in techniques.*'

iii. '*Investigative leads from the original enquiries have been closely examined.*'

iv. '*The assessment of key witnesses* [...] *has been undertaken.*'[35]

30. In accordance with the Terms of Reference, the 2000 Murder Review was purely a review of documents, evidence and forensic exhibits, rather than one involving such additional steps as interviewing the Senior Investigating Officer or others involved in the original investigation, such as witnesses, for example.

31. In interview with the Panel, former DI Steve Hagger explained that the 2000 Murder Review Report was based on a review of papers from the Morgan One and Hampshire/Police Complaints Authority investigations, referred to in the Report as the Metropolitan and Hampshire investigations, and was in no sense restricted to consideration of Metropolitan Police activities in relation to the case.[36] Former DI Hagger said he had access to all the material from the Morgan One and Hampshire/Police Complaints Authority investigations and recalled visiting Hampshire Constabulary and speaking to officers there about retrieving their material, as well as reviewing their documents on the HOLMES police database.

32. The largest task undertaken by the 2000 Murder Review team was the audit of the police computer database to look at all the police 'messages', 'actions' and other documents generated by the Morgan One investigation, for the purpose of identifying any new investigative opportunities. All 1,002 messages, 1,737 actions, and 531 other documents were viewed.[37] The 2000 Murder Review Report noted that these were '*generally found to be properly processed*'.[38] The review of messages, actions and other documents alone led the 2000 Murder Review team to make 50 recommendations for further investigation.[39]

33. The Panel has seen no evidence that a comparable audit of the Hampshire/Police Complaints Authority Investigation was undertaken by the 2000 Murder Review team.

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34 2000 Murder Review Report, MPS020525001, pp9-12, paras 5.1-5.19, 06 October 2000.
35 2000 Murder Review Report, MPS020525001, p6, paras 2.8, 2.9, 2.11 and 2.12, 06 October 2000.
36 Panel interview with former DI Steve Hagger, pp1-2, paras 8-10, 31 May 2016.
37 2000 Murder Review Report, MPS020525001, p40, para 6.10.1, 06 October 2000.
38 2000 Murder Review Report, MPS020525001, p41, para 6.10.4, 06 October 2000.
39 2000 Murder Review Report, MPS020525001, pp41-63, paras 6.11-6.13.22, 06 October 2000.

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34. The 2000 Murder Review team undertook a detailed examination of the messages, actions and other documents generated in the Morgan One Investigation. However, no equivalent enumeration was provided in the 2000 Murder Review Report for the Hampshire/Police Complaints Authority Investigation and, as will be seen (see paragraphs 126-129 below), no operational recommendations were made on the basis of the Hampshire/Police Complaints Authority documentation. There is, therefore, no evidence of similar scrutiny of the Hampshire/Police Complaints Authority Investigation. In order to complete the review of the investigations into the murder of Daniel Morgan, an analysis of messages, actions and other documents from the Hampshire/Police Complaints Authority Investigation was also necessary. This was a shortcoming. An analysis of messages, actions and other documents from the Hampshire/Police Complaints Authority Investigation might also have resulted in fruitful recommendations for further investigation.

4.1 DCS Douglas Shrubsole's Review

35. The 2000 Murder Review Report noted that between October and December 1987, a review of the Morgan One Investigation had been undertaken by DCS Douglas Shrubsole (see Chapter 1, The Morgan One Investigation). The Report stated:

> *'Detective Chief Supt SHRUBSOLE, the Senior Detective for the area in which the murder occurred, states that between 12 October 1987 and 04 December 1987 he examined every action, message and statement relating to the case. He was satisfied that all reasonable lines of enquiry had been identified and that the investigation was completely thorough and professional. This was of course before the Major Crime review had introduced such things as policy files and decision logs. It is now impossible to verify the decisions and policy made by the investigating team but it is obvious that the Metropolitan Police identified the MORGAN investigation as problematic from the outset and this early "health check" indicates the professional approach being taken.'*[40]

36. The Panel asked former DI Steve Hagger, in interview, about his examination of DCS Douglas Shrubsole's review. He stated that he could not remember having met DCS Shrubsole, nor having seen any documents relating to the review undertaken by him. Former DI Hagger believed that his knowledge of DCS Shrubsole's review may have been solely based on a statement made by DCS Shrubsole, following completion of his review.[41]

37. Former DI Steve Hagger further stated to the Panel that his comment '*this early "health check" indicates the professional approach being taken*' was intended to demonstrate that it was good practice getting someone to review the investigation, not that the '*health check*' or the investigation itself was good.[42]

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40 2000 Murder Review Report, MPS020525001, p10, para 5.6, 06 October 2000.
41 Panel interview with former DI Steve Hagger, p2, para 11, 31 May 2016.
42 Panel interview with former DI Steve Hagger, p2, para 12, 31 May 2016.

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38. The Panel is critical of the way in which DCS Douglas Shrubsole's review was reported in the 2000 Murder Review Report. The assertion by DCS Shrubsole that the Morgan One Investigation was '*completely thorough and professional*' was reported without comment, implying that this was the case. In addition, the description of DCS Shrubsole's review as representing a '*health check*', indicative of a '*professional approach*', further gave the impression that the review by DCS Shrubsole was effective.

There is no evidence to support either of these assertions, as should have been apparent to DI Steve Hagger as a result of his review. The 2000 Murder Review Report's apparent endorsement of the professionalism of DCS Shrubsole's review by describing it in such terms had the effect of negating justified criticism of past Metropolitan Police failings, of which the Panel has identified many (see Chapter 1, The Morgan One Investigation).

4.2 Unviewed material

39. The Panel has seen a policy file for the Morgan One Investigation and asked former DI Steve Hagger whether he had seen such a file during his review. He said that he had no recollection of there having been a policy file for the Morgan One Investigation.[43]

40. The 2000 Murder Review Report stated that, at the time of DCS Douglas Shrubsole's review, the Metropolitan Police had not introduced policy files and decision logs. This was not the case. A copy of D/Supt Douglas Campbell's policy file from the Morgan One Investigation was disclosed to the Panel. However, the Panel has established that the policy file was not on the HOLMES copy of the original Morgan One database. Review of the policy file was necessary to ensure a full understanding, in so far as was possible, of the Morgan One Investigation.

41. The Panel is aware that, following the conclusion of the 2000 Murder Review, two filing cabinets of material relating to the Daniel Morgan case were discovered by the Metropolitan Police. A Situation Report by DCI David Zinzan (the Senior Investigation Officer for the covert Abelard One Investigation), produced after a meeting with DI Steve Hagger in April 2001, stated that this material had subsequently been passed to DI Hagger from the Metropolitan Police solicitors. However, it had not been read by DI Hagger and was not included in the 2000 Murder Review.[44] In interview with the Panel, former DI Hagger stated that he could not recall two filing cabinets being found, nor any material having been sent to him after he had completed his report.

42. It is not possible to ascertain why these two filing cabinets were not seen at the time by DI Steve Hagger, or what the contents were. It is therefore not possible to determine whether all relevant material was disclosed to the 2000 Murder Review.

43 Panel interview with former DI Steve Hagger, p3, para 25, 31 May 2016.
44 Situation Report by DCI David Zinzan, MPS040527001, p13, 09 April 2001.

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5 Findings of the 2000 Murder Review Report

43. The 2000 Murder Review Report stated that '[i]*nvestigative leads from the original enquiries have been closely examined*'.[45] Taking these leads into account, the report made 83 recommendations for future investigation.[46]

5.1 Investigative opportunities

44. The 2000 Murder Review Report stated that the key lines of enquiry for a focused reinvestigation could be grouped under four broad headings:

i. the key suspect, Jonathan Rees;

ii. key witnesses;

iii. forensic opportunities; and

iv. intelligence.

45. A number of recommendations deriving from analysis of the key lines of enquiry were of major significance, for example, recommendations 1 and 6 relating to the covert monitoring of Jonathan Rees, Glenn Vian and Garry Vian. A range of other recommendations deriving from the audit of the documentation created during the Morgan One Investigation were also made by the 2000 Murder Review.[47] No comparable audit is reported as having been conducted on the documentation created during the Hampshire/Police Complaints Authority Investigation (see paragraphs 33-34).

46. The Panel has reviewed all 83 recommendations. The work emanating from these recommendations is covered in the Abelard One/Morgan Two Investigation chapter (see Chapter 6). In this chapter, the Panel has limited its comments to those recommendations which it believes are particularly worthy of assessment.

5.2 Key suspect: Jonathan Rees

47. Jonathan Rees was listed in the 2000 Murder Review Report as the only '*KEY SUSPECT*'.[48] Six others were designated '*KEY WITNESSES*': Garry Vian, Glenn Vian, Margaret Harrison, John Peacock, Sharon Rees and Kevin Lennon (each of whom is further discussed below).[49] Former DS Sidney Fillery, a close contact of Jonathan Rees and his business partner at Southern Investigations (latterly Law & Commercial) after the murder of Daniel Morgan, was not identified in the 2000 Murder Review Report as a person of interest. The report considered DS Fillery's actions but did not identify him as a suspect or a witness.

48. Introducing Jonathan Rees as the key suspect, the 2000 Murder Review Report stated that '[b]*oth the Metropolitan and Hampshire Investigations identified John* [sic] *REES as the prime suspect*', and that '[t]*he Review Group concurs with those views in that John REES remains the primary suspect of the murder of Daniel MORGAN*'.[50]

45 2000 Murder Review Report, '*Executive Summary*', MPS020525001, p6, para 2.11, 06 October 2000.
46 2000 Murder Review Report, '*Summary of Recommendations*', MPS020525001, pp77-85, 06 October 2000.
47 2000 Murder Review Report, MPS020525001, pp40-63, paras 6.10-6.13.22, 06 October 2000.
48 2000 Murder Review Report, MPS020525001, pp28-30, para 6.8, 06 October 2000.
49 2000 Murder Review Report, MPS020525001, pp13-28, paras 6.1-6.7.33, 06 October 2000.
50 2000 Murder Review Report, MPS020525001, p28, para 6.8.1, 06 October 2000.

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49. In the next section, entitled '*KEY LINES OF ENQUIRY*', the 2000 Murder Review Report stated the following:

> *'The original Metropolitan Police murder investigation, the Hampshire Police Enquiry and indeed the Review Team are all strongly drawn to the view that John* [sic] *REES was heavily involved in events of 10 March 1987. Whilst mindful of all other avenues, it is clear that a close examination of REES* [sic] *position is at the head of priorities.'*[51]

50. The 2000 Murder Review Report recommended that a reinvestigation into the murder of Daniel Morgan should be announced publicly, and covert monitoring of Jonathan Rees should take place to gain intelligence in connection with the murder.[52]

51. In a final concluding section, the 2000 Murder Review Report stated that '[t]*he focus of a reinvestigation should be in the securing of sufficient evidence against John* [sic] *REES to re-institute criminal proceedings against him for murder*'.[53]

52. The 2000 Murder Review Report noted that key lines of enquiry in respect of Jonathan Rees could be grouped under four headings: former police contacts, current co-defendants, family connections, and business.

53. Concluding the section on Jonathan Rees, the 2000 Murder Review Report acknowledged that, despite the fact he had been identified as the key suspect for the murder, unless new, corroborated evidence came to light it would be a '*futile exercise to re-interview him*' and '*a costly exercise for the Metropolitan Police Service to take any overt action against REES*'. However, the report suggested that previous covert monitoring '*resulted in some interesting intelligence being gained*' and that '[i]*t must be worthwhile attempting this tactic again especially if a re investigation is publicly announced*'.[54]

54. The 2000 Murder Review Report also noted that another police enquiry into private detective agencies had identified a '*W J REES*' of '*Southern Security Services*' as a key line of enquiry. The report concluded that '[i]*f research shows this individual identical with John* [sic] *REES then financial records may show suspicious money movements around the time of the murder*'[55] and recommended that '*W J REES* [...] *is fully researched and identified*'.[56]

5.2.1 Former police contacts of Jonathan Rees

55. The 2000 Murder Review Report stated that:

> *'Southern Investigations without doubt conducted its business in a dubious manner. REES had very close contact with the local police and had a very strong allegiance with DS FILLERY and through that association met other police officers.'*[57]

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51 2000 Murder Review Report, MPS020525001, p31, para 6.9.6, 06 October 2000.
52 2000 Murder Review Report, MPS020525001, p30, para 6.8.16, 06 October 2000.
53 2000 Murder Review Report, MPS020525001, p81, para 10.4, 06 October 2000.
54 2000 Murder Review Report, MPS020525001, p30, para 6.8.15, 06 October 2000.
55 2000 Murder Review Report, MPS020525001, p35, para 6.9.24, 06 October 2000.
56 2000 Murder Review Report, MPS020525001, p50, para 6.12.22, 06 October 2000.
57 2000 Murder Review Report, MPS020525001, p29, para 6.8.10, 06 October 2000.

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56. It also noted that:

> *'*[a]*llegations of police involvement in the murder of MORGAN stem from REES's close relationship with DS FILLERY and the participation of FILLERY,* [DC Alan] *PURVIS and* [PC Peter] *FOLEY at Belmont Car Auctions'.*[58]

57. DS Sidney Fillery, DC Alan Purvis and PC Peter Foley had 'moonlighted' at Belmont Car Auctions and were arrested during the Morgan One Investigation, in connection with Daniel Morgan's murder (see Chapter 1, The Morgan One Investigation).

58. During the review of messages, actions and other documents from the Morgan One Investigation, the 2000 Murder Review team identified that DS Sidney Fillery had been tasked with determining whether Southern Investigations had partnership insurance,[59] and that Jonathan Rees had stated to him that no such insurance existed. The 2000 Murder Review Report suggested that:

> *'*[i]*n the light of subsequent events, there is clearly the potential for compromise to the Metropolitan Police Service in this and all actions dealt with by FILLERY. If such insurance did in fact exist, another clear motive is apparent for the murder of MORGAN. The fact that FILLERY did not obtain a statement in the negative from REES is also cause for concern, and this line needs reassessment.'*[60]

59. The 2000 Murder Review Report recommended that it would be necessary to ascertain whether such partnership insurance had existed[61] and suggested (rather than recommended) that all enquiries conducted by DS Sidney Fillery into the murder of Daniel Morgan should be reassessed.[62]

60. The 2000 Murder Review Report identified the close relationship between Jonathan Rees and former DS Sidney Fillery and concluded that this necessitated a reassessment of relevant investigative activities carried out by former DS Fillery. This conclusion was justified by the evidence available to the review ream and the matter was examined by the Abelard One/Morgan Two Investigation that followed (see Chapter 6). However, the omission of former DS Sidney Fillery from the list of key witnesses in the 2000 Murder Review Report was illogical, given that the review was sufficiently concerned by DS Fillery's involvement in the murder investigation to suggest that all of his actions from when he was part of the investigation be reviewed.

61. At the time of the 2000 Murder Review, all police officers convicted of corruption were being interviewed by the Metropolitan Police Complaints Investigation Bureau. The 2000 Murder Review Report observed that several former police officers who had links to Jonathan Rees were, at the time of the review, serving prison sentences for corruption and other matters.

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58 2000 Murder Review Report, MPS020525001, p29, para 6.8.11, 06 October 2000.
59 Action A153, '*Ascertain if there was "partnership" insurance between MORGAN and REES*', MPS013216001, 14 March 1987.
60 2000 Murder Review Report, MPS020525001, p49, para 6.12.15, 06 October 2000.
61 2000 Murder Review Report, MPS020525001, p49, para 6.12.16, 06 October 2000.
62 2000 Murder Review Report, MPS020525001, p49, para 6.12.17, 06 October 2000.

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The 2000 Murder Review Report noted that during such post-conviction interviews of former Police Officer E1, former DC Thomas Kingston and former DC Duncan Hanrahan, '*no specific questioning about REES or the MORGAN murder was undertaken*'.[63]

62. The 2000 Murder Review Report recommended that former Police Officer E1 be interviewed about his knowledge of Daniel Morgan's murder, since he had given evidence against others after he was arrested for corruption. He had also made two statements to the Morgan One Investigation, a further statement to the Hampshire/Police Complaints Authority Investigation and '*was in the circle of acquaintances of REES and MORGAN*'. The 2000 Murder Review Report recommended that a new investigation should explore any changes in allegiance to Jonathan Rees, adding that former Police Officer E1's statements to the Morgan One Investigation showed Daniel Morgan in a '*bad light and it may be his position now is that he was used by REES, wittingly or otherwise, to muddy the waters*'.[64]

63. A recommendation was also made that former DC Thomas Kingston be interviewed, as he was engaged in surveillance work for Law & Commercial and had had conversations with both former DS Sidney Fillery and Jonathan Rees about Daniel Morgan's murder, which were captured by the intrusive listening devices deployed during Operation Nigeria/Two Bridges (see Chapter 4, Operation Nigeria/Two Bridges). These conversations demonstrated the willingness of Jonathan Rees and former DS Sidney Fillery to talk to former DC Thomas Kingston in 1999 about Daniel Morgan's murder. The 2000 Murder Review Report stated that, since he was in prison, '*he should be debriefed on all he knows about the murder*'.[65]

64. The 2000 Murder Review Report also recommended that former DC Duncan Hanrahan be interviewed about his knowledge of the murder of Daniel Morgan,[66] as he was '*apparently well known to* [James] *COOK and* [Person P9]', who themselves had been linked to the murder.[67] The 2000 Murder Review Report noted that former DC Hanrahan had been '*used by Detective Superintendent CAMPBELL to "befriend" REES and feed various pieces of information*' (see Chapter 1, The Morgan One Investigation),[68,69] and that former DC Hanrahan was the night duty Criminal Investigation Department (CID) officer when Jonathan Rees was allegedly robbed outside his home of the takings from Belmont Car Auctions in 1986 (see Chapter 1, The Morgan One Investigation). The Murder Review Report stated that he '*may now have a view on this that will incriminate REES*'.[70]

65. The 2000 Murder Review Report further stated that Daniel Morgan's presence in the Golden Lion public house on 10 March 1987 '*was for a meeting about financing a Court Order resulting from this alleged robbery, this line needs to be explored*'.[71] Finally, the report stated that a further purpose in seeing former DC Duncan Hanrahan would be to seek corroboration for the statement of 22 January 1999 by Person F11, in which he claimed that he had discussed the murder of Daniel Morgan with former DC Hanrahan, and to establish the nature of former DC Hanrahan's relationships with both James Cook and Person F11.[72]

63 2000 Murder Review Report, MPS020525001, p49, para 6.9.8, 06 October 2000.
64 2000 Murder Review Report, MPS020525001, p32, para 6.9.10, 06 October 2000.
65 2000 Murder Review Report, MPS020525001, p33, para 6.9.12, 06 October 2000.
66 2000 Murder Review Report, MPS020525001, p33, para 6.9.16, 06 October 2000.
67 2000 Murder Review Report, MPS020525001, p33, para 6.9.14, 06 October 2000.
68 2000 Murder Review Report, MPS020525001, p33, para 6.9.14, 06 October 2000.
69 The Panel is aware that Jonathan Rees and DC Duncan Hanrahan were friends prior to the murder of Daniel Morgan. The suggestion in the 2000 Murder Review Report that DC Hanrahan was used by D/Supt Douglas Campbell to '*befriend*' Jonathan Rees is therefore incorrect. D/Supt Campbell simply used this friendship to the advantage of the Morgan One Investigation.
70 2000 Murder Review Report, MPS020525001, p33, para 6.9.15, 06 October 2000.
71 2000 Murder Review Report, MPS020525001, p33, para 6.9.15, 06 October 2000.
72 2000 Murder Review Report, MPS020525001, p33, para 6.9.15, 06 October 2000.

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66. The 2000 Murder Review Report also proposed that consideration be given to interviewing former DS Alec Leighton, former DC Nigel Grayston and a former Police Constable,[73] all previously Metropolitan Police officers who had not been convicted of any offence, but who had connections to Jonathan Rees.[74] The 2000 Murder Review team was not in possession of sufficient information to decide whether there was any benefit to approaching them for interview. However, the 2000 Murder Review Report also stated that their situation should be monitored as the reinvestigation progressed, and an approach considered if the circumstances allowed.

5.2.2 Current co-defendants of Jonathan Rees

67. In a brief section regarding Jonathan Rees's co-defendants in the criminal proceedings for conspiracy to pervert the course of justice (James Cook, DC Austin Warnes, David Courtney and Simon James, for detail about which see Chapter 4, Operation Nigeria/Two Bridges), the 2000 Murder Review Report considered approaching Simon James in order to obtain information about Jonathan Rees in relation to the murder of Daniel Morgan. The 2000 Murder Review Report noted that both James Cook and David Courtney were '*professional criminals*', who were '*unlikely to be phased by police attention unless facing a substantial prison term*'. However, it explained that the co-defendant Simon James was not considered a career criminal, and that consideration should be given to identifying steps that could be taken to obtain intelligence and evidence from him relating to the murder.[75]

5.2.3 Family and business connections of Jonathan Rees

68. The 2000 Murder Review Report also explored Jonathan Rees's family and business connections, including family links to police forces outside the Metropolitan Police. The report recommended that these family links could be considered as future lines of enquiry[76] (see also 'Key witnesses: Garry Vian and Glenn Vian' and 'Key witness: Sharon Rees (née Vian)' below for more on Jonathan Rees's family connections).

69. The 2000 Murder Review Report recommended that William Newton, former accountant to Southern Investigations, be interviewed regarding the information which he had provided on 06 October 1999 (see Chapter 4, Operation Nigeria/Two Bridges).[77] William Newton had stated that a prison officer had told him that the murder had been a contract killing but had not provided names of the people involved. He went on to say that the husband of a client '*stated that the murder was a contract killing ordered and paid for by Jonathan REES over "woman trouble" with MORGAN*'. In addition, he said that the husband named the driver of the car (from the scene of the murder) as '*Jimmy GREEN*'.[78] The police officer conducting the interview believed that William Newton was talking about James ('Jimmy') Cook when he referred to '*Jimmy GREEN*'.[79]

5.3 Key witnesses: Garry Vian and Glenn Vian

70. Garry Vian and Glenn Vian had been arrested on 03 April 1987 on suspicion of the murder of Daniel Morgan. The 2000 Murder Review Report noted that, when interviewed by the Morgan One Investigation, both men had declined to make any comment. Furthermore, neither

73 Anonymity Policy, Daniel Morgan Independent Panel, https://www.danielmorganpanel.independent.gov.uk/procedures/anonymity-policy/.
74 2000 Murder Review Report, MPS020525001, p34, para 6.9.17, 06 October 2000.
75 2000 Murder Review Report, MPS020525001, pp34-35, paras 6.9.18-6.9.21, 06 October 2000.
76 2000 Murder Review Report, MPS020525001, p35, paras 6.9.22-6.9.23, 06 October 2000.
77 2000 Murder Review Report, MPS020525001, p39, para 6.9.46, 06 October 2000.
78 Information report, MPS104504001, p72, 06 October 1999, shows that 'Jimmy GREEN' was one of James Cook's aliases.
79 Information report, MPS104504001, pp71-72, 06 October 1999.

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had been called to give evidence at the Inquest. The 2000 Murder Review Report noted that '[t]*his situation left both the original Enquiry Team and the Hampshire investigation with little information to progress the enquiry, other than intelligence from other sources*'.[80]

71. In demonstrating the links between Glenn Vian and Garry Vian and their brother-in-law Jonathan Rees, the 2000 Murder Review Report stated that '[i]*t is apparent that it was not unusual for John* [sic] *REES to employ his brother-in-laws* [sic] *on a fairly regular basis*',[81] and that Jonathan Rees had employed both men, along with others, to act as security guards at Belmont Car Auctions on previous occasions.[82] In addition, the 2000 Murder Review Report stated that both men claimed they were '*with REES on 18 March 1986,*'[83] shortly before he was allegedly robbed of £18,280.62.[84]

72. The 2000 Murder Review Report concluded that '[i]*t is clear from current intelligence available to the Review Group that Glen* [sic] *and Gary* [sic] *VIAN are still strongly associated with John* [sic] *REES*'[85] and that they '*hold information regarding the events around the murder of Daniel MORGAN*'.[86] The 2000 Murder Review Report also noted that, in recent intelligence reports, Glenn Vian had again been named as the killer of Daniel Morgan,[87] and the report suggested that both Vian brothers were '*worthy* [of] *covert targeting to identify their current criminal activities and that of their associates, to obtain levers that could be used to gain evidence against the killer/s of MORGAN*'.[88]

> 73. The 2000 Murder Review Report's summary of the information relating to Garry Vian and Glenn Vian was both accurate and balanced. The recommendation for the covert surveillance of Garry Vian and Glenn Vian was justified.

5.4 Key witness: Margaret Harrison

74. The 2000 Murder Review Report stated that Margaret Harrison, who worked at a local estate agent's office, had the potential to be a key witness, by virtue of her alleged close relationships with both Daniel Morgan and Jonathan Rees (see Chapter 1, The Morgan One Investigation; and Chapter 3, The Hampshire/Police Complaints Authority Investigation). The report described the evidence that Margaret Harrison gave to the Morgan One Investigation, including Daniel Morgan's movements on the day he died, and the nature of her relationships with both Daniel Morgan and Jonathan Rees.[89]

75. The 2000 Murder Review Report noted that Margaret Harrison's evidence regarding her relationships with Daniel Morgan and Jonathan Rees had changed over the years: Margaret Harrison had since admitted wrongly denying her relationship with Jonathan Rees to the original Morgan One Investigation and at the Inquest.[90] The report noted that the Hampshire/

80 2000 Murder Review Report, MPS020525001, p13, para 6.2.4, 06 October 2000.
81 2000 Murder Review Report, MPS020525001, p13, para 6.2.6, 06 October 2000.
82 2000 Murder Review Report, MPS020525001, p14, para 6.3, 06 October 2000.
83 2000 Murder Review Report, MPS020525001, p14, para 6.3, 06 October 2000.
84 2000 Murder Review Report, MPS020525001, p14, para 6.3, 06 October 2000.
85 2000 Murder Review Report, MPS020525001, p14, para 6.3.1, 06 October 2000.
86 2000 Murder Review Report, MPS020525001, p14, para 6.3.2, 06 October 2000.
87 2000 Murder Review Report, MPS020525001, p14, para 6.3.2, 06 October 2000.
88 2000 Murder Review Report, MPS020525001, p14, para 6.3.2, 06 October 2000.
89 2000 Murder Review Report, MPS020525001, pp14-17, paras 6.4.1-6.4.15, 06 October 2000.
90 2000 Murder Review Report, MPS020525001, pp15-16, para 6.4.10, 06 October 2000.

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Police Complaints Authority Investigation team believed that Margaret Harrison and Jonathan Rees were involved in a relationship while Daniel Morgan was still alive, but this could not be corroborated.[91]

76. The 2000 Murder Review Report concluded that the Morgan One and Hampshire/Police Complaints Authority investigations believed that Margaret Harrison was not being '*entirely open with them regarding her relationship*' with Jonathan Rees.[92] The report concluded that, while Margaret Harrison had been willing to co-operate with and assist both previous investigation teams, the overriding factor was that '*her loyalty was undoubtedly to John* [sic] *REES and she was guarded when questioned in relation to him*'.[93] Intelligence available at the time of the report indicated that Margaret Harrison was still associated with Jonathan Rees, and for this reason the report concluded that any attempt to re-interview her would be a futile exercise.[94]

77. However, the 2000 Murder Review Report suggested that, should intelligence be received that Jonathan Rees was having an affair with another woman, consideration should be given to approaching Margaret Harrison in case she might be forthcoming with new evidence.[95]

5.5 Key witness: John Peacock

78. The 2000 Murder Review Report stated that John Peacock had been employed by Southern Investigations between 1986 and January 1987, both as a security guard at Belmont Car Auctions until March 1986 and, later, as a process server, occasionally working with Daniel Morgan. He had given a number of statements and verbal accounts to the Morgan One Investigation, as well as oral evidence at the Inquest, much of which related to Daniel Morgan and Jonathan Rees, and the individuals linked to them.

79. When giving evidence at the Inquest, John Peacock had stated that he did not know any of the other persons present at Belmont Car Auctions apart from Jonathan Rees and Glenn Vian.[96] The 2000 Murder Review Report noted that this contradicted the statement John Peacock had made prior to the Inquest, when he stated that one of the men was DS Sidney Fillery.[97] The 2000 Murder Review Report concluded that '[i]*t is clear that PEACOCK is being deliberately evasive about the other persons present at the auctions*'.[98]

80. Furthermore, the 2000 Murder Review Report noted John Peacock's '*impression was that REES and MORGAN got on well but had their ups and downs*' and that he was '*unsure whether there were any problems between them concerning the business*'.[99]

81. The 2000 Murder Review Report also considered the evidence given by John Peacock regarding Margaret Harrison. It noted that his statements were '*very loose and non-committal concerning the relationship between both REES and MORGAN, and concerning Margaret*

91 2000 Murder Review Report, MPS020525001, p16, para 6.4.11, 06 October 2000.
92 2000 Murder Review Report, MPS020525001, p16, para 6.4.14, 06 October 2000.
93 2000 Murder Review Report, MPS020525001, p16, para 6.4.14, 06 October 2000.
94 2000 Murder Review Report, MPS020525001, p16, para 6.4.14, 06 October 2000.
95 2000 Murder Review Report, MPS020525001, p16, para 6.4.14, 06 October 2000.
96 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the first day, INT000001001, p61, 11 April 1988.
97 Witness statement of John Peacock, MPS010540001, p2, 24 September 1987.
98 2000 Murder Review Report, MPS020525001, p18, para 6.5.9, 06 October 2000.
99 2000 Murder Review Report, MPS020525001, p18, para 6.5.5, 06 October 2000.

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HARRISON',[100] and that John Peacock had denied '*any knowledge of a personal relationship between REES and HARRISON*'[101] and had later said he '*did not realise REES was having an affair with HARRISON until after MORGAN was murdered*'.[102]

82. The 2000 Murder Review Report concluded that it was clear that John Peacock had an allegiance to Jonathan Rees, and that '[t]*here are some reservations concerning his accounts, for example failing to recall the names of his colleagues whom he worked alongside for some four to six weeks at the Belmont Car Auctions*'.[103] It recommended that the '*current position of PEACOCK is assessed*'.[104]

5.6 Key witness: Sharon Rees (née Vian)

83. The 2000 Murder Review Report stated that, at the time of the murder, Sharon Rees was both the wife of Jonathan Rees and the sister of Glenn Vian and Garry Vian, all three of whom had been suspected of having an involvement in Daniel Morgan's murder.[105]

84. The 2000 Murder Review Report noted that, in statements provided to the Morgan One Investigation, Sharon Rees gave evidence to clarify the telephone conversations she had had with her husband, Jonathan Rees, on 10 March 1987, stating that she only received one call from him. This directly contradicted the account of Jonathan Rees.[106]

85. The 2000 Murder Review Report also noted that Sharon Rees had not attended the Inquest. When giving evidence, Jonathan Rees '*stated his wife Sharon, had not attended the inquest due to constant media harassment*' and that '*his wife was depressed*' and was seeing a doctor.[107,108] The report stated that Dr Mary Watton, who had not been Sharon Rees's doctor for the previous three years but had attended her on this occasion, gave evidence to the Inquest that '*Sharon REES was not receiving any medical treatment for her condition, and this was the first examination she had received*'.[109] The 2000 Murder Review Report noted this was questioned by the Court as being in contradiction to Jonathan Rees's evidence,[110,111] and that despite this, Sharon Rees was excused from attending the Inquest based on the testimony of Dr Watton, who had had only one consultation with Sharon Rees (see Chapter 2, Inquest).[112]

86. The 2000 Murder Review Report suggested that, due to her family connections with Jonathan Rees, Glenn Vian and Garry Vian, Sharon Rees may have been unwilling to tell the investigation teams all she knew. The 2000 Murder Review Report concluded that '[h]*er prolonged absence at the time of the Inquest seems to drive home, the fact that she was frightened and reluctant to attend and face the subsequent cross-examination of the Coroners Court*'.[113]

100 2000 Murder Review Report, MPS020525001, p19, para 6.5.15, 06 October 2000.
101 2000 Murder Review Report, MPS020525001, p18, para 6.5.6, 06 October 2000.
102 2000 Murder Review Report, MPS020525001, p19, para 6.5.14, 06 October 2000.
103 2000 Murder Review Report, MPS020525001, p19, para 6.5.15, 06 October 2000.
104 2000 Murder Review Report, MPS020525001, p19, paras 6.5.15-6.5.16, 06 October 2000.
105 2000 Murder Review Report, MPS020525001, p22, para 6.6.17, 06 October 2000.
106 2000 Murder Review Report, MPS020525001, p20, para 6.6.6, 06 October 2000.
107 2000 Murder Review Report, MPS020525001, p21, para 6.6.10, 06 October 2000.
108 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the third day, INT000003001, p55, 13 April 1988.
109 2000 Murder Review Report, MPS020525001, p21, para 6.6.11, 06 October 2000.
110 2000 Murder Review Report, MPS020525001, p21, para 6.6.11, 06 October 2000.
111 Transcript of Inquest into the death of Daniel Morgan: notes of proceedings for the eighth day, INT000008001, pp2-5, 24 April 1988.
112 2000 Murder Review Report, MPS020525001, p21, para 6.6.11, 06 October 2000.
113 2000 Murder Review Report, MPS020525001, p22, paras 6.6.16-6.6.17, 06 October 2000.

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87. The 2000 Murder Review Report recommended that any new investigation should assess Sharon Rees and her current relationship with Jonathan Rees to see whether she could provide further information on the murder of Daniel Morgan.[114] It also noted that at the time of the report in 2000, intelligence suggested that Sharon Rees and Jonathan Rees were living at the same address.[115]

88. The 2000 Murder Review Report concluded that Sharon Rees '*undoubtedly holds vital information regarding the movements of her husband on the night of 10 March 1987*'.[116]

5.7 Key witness: Kevin Lennon

89. DI Steve Hagger dedicated a significant portion of his report, 33 paragraphs, to the evidence given by Kevin Lennon, a former bookkeeper who had worked at Southern Investigations.[117] DI Hagger described the contents of the statements made by Kevin Lennon between April 1987 and September 1987, detailing that Kevin Lennon had stated that Jonathan Rees '*despised*' Daniel Morgan and had asked Kevin Lennon to find someone to kill him, and that Jonathan Rees was '*infatuated*' with Margaret Harrison.[118] The 2000 Murder Review Report also outlined the various officers' reports concerning intelligence provided by Kevin Lennon over the years. These reports included Kevin Lennon's 1988 disclosure that he had actually approached a '*man*' on behalf of Jonathan Rees and proposed paying him between £5,000 and £7,000 for the murder of Daniel Morgan, but that this had not transpired as Jonathan Rees had later said he had arranged for someone from the Catford Police Station to do it for only £1,000.[119]

90. The 2000 Murder Review Report's assessment of whether the evidence given by Kevin Lennon incriminated Jonathan Rees and others in the murder of Daniel Morgan included:

i. the fact that he had a strong motive for providing the initial evidence in that he had received a suspended sentence for a previous serious fraud offence;[120]

ii. that much of his evidence remained uncorroborated;[121] and

iii. that DCS Alan Wheeler and DCI Paul Blaker of the Hampshire/Police Complaints Authority Investigation '*were both of the opinion that his credibility was quickly diminishing*'.[122]

91. The 2000 Murder Review Report concluded that Kevin Lennon was '*a man of dubious character, with varying motives for assisting the enquiry teams*',[123] that his evidence at the Inquest about refusing to seek an individual to murder Daniel Morgan[124] was contradicted by his later evidence to the Hampshire/Police Complaints Authority Investigation,[125] and that the manner in which he added further evidence '*completely discredits him as a witness*'.[126]

114 2000 Murder Review Report, MPS020525001, p22, para 6.6.18, 06 October 2000.
115 2000 Murder Review Report, MPS020525001, p22, para 6.6.16, 06 October 2000.
116 2000 Murder Review Report, MPS020525001, p22, para 6.6.16, 06 October 2000.
117 2000 Murder Review Report, MPS020525001, pp22-28, 06 October 2000.
118 2000 Murder Review Report, MPS020525001, pp23-24, 06 October 2000.
119 2000 Murder Review Report, MPS020525001, p25, para 6.7.15, 06 October 2000.
120 2000 Murder Review Report, MPS020525001, p24, para 6.7.10, 06 October 2000.
121 2000 Murder Review Report, MPS020525001, p28, para 6.7.29, 06 October 2000.
122 2000 Murder Review Report, MPS020525001, p25, para 6.7.16, 06 October 2000.
123 2000 Murder Review Report, MPS020525001, p28, para 6.7.32, 06 October 2000.
124 2000 Murder Review Report, MPS020525001, p26, para 6.7.22, 06 October 2000.
125 2000 Murder Review Report, MPS020525001, p27, para 6.7.23, 06 October 2000.
126 2000 Murder Review Report, MPS020525001, p28, para 6.7.32, 06 October 2000.

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92. Furthermore, the 2000 Murder Review Report concluded that Kevin Lennon's initial account in April 1987 was '*non-committal*' and that, by September 1987, when he provided the second account alleging that Jonathan Rees had asked him to find someone to kill Daniel Morgan, he '*must have appreciated that if* [he] *gave useful information to the Investigation Team, a text may be offered to him at his forthcoming trial*' (a 'text' in this context was information provided by police to a judge stating that a defendant had assisted them in a police investigation). The 2000 Murder Review Report continued that '[t]*his of course is exactly what happened*'.[127] The report recommended that '*no action be taken to interview Lennon at this stage*'.[128]

93. The complexity of the situation with reference to Kevin Lennon was such that the 2000 Murder Review Report's recommendation, that no further action be taken, was not justified. A recommendation should have been made for further investigation of the evidence which Kevin Lennon had provided, to establish whether any corroborative evidence could be identified.

5.8 Forensic opportunities

94. The 2000 Murder Review sought to identify further forensic opportunities and therefore searched for the physical and documentary exhibits resulting from both the Morgan One and Hampshire/Police Complaints Authority investigations.

5.8.1 Morgan One exhibits

95. Significant problems were identified in relation to exhibits seized during the Morgan One Investigation. The 2000 Murder Review Report noted that, while some exhibits from the Morgan One Investigation were retrieved during the 2000 Murder Review, the exhibits were '*by no means complete*' and there were '*a number of difficulties concerning the exhibits*'.[129]

96. The 2000 Murder Review Report stated that while the original Morgan One Investigation Exhibit Books could not be located, a photocopy of the Exhibit Books was available, which showed that the '*vast majority*'[130] of exhibits had been restored to their owners.

97. Of the exhibits which were not shown as having been returned to their owners, the 2000 Murder Review team located 42 of them. In an appendix to the report, the 2000 Murder Review team recorded the condition of each of the retrieved exhibits. The appendix confirmed that:

i. in 16 instances, a description of the state of the exhibit was not provided;

ii. in nine instances, descriptions of '*bag open*', '*open*' or '*not sealed*' were provided (see Table 1 below), suggesting that these items were not recovered in a condition that would enable the Metropolitan Police to verify either that the exhibits had not been contaminated, or that there had been compliance with exhibit-handling requirements;

iii. in nine instances, descriptions of '*bag OK*', '*jar sealed*' and '*sealed box*' were provided, suggesting that these items may have been protected from contamination; and

127 2000 Murder Review Report, MPS020525001, p27, paras 6.7.27-6.7.28, 06 October 2000.
128 2000 Murder Review Report, MPS020525001, p28, para 6.7.33, 06 October 2000.
129 2000 Murder Review Report, MPS020525001, p75, para 8.1.1, 06 October 2000.
130 2000 Murder Review Report, MPS020525001, p75, para 8.1.2, 06 October 2000.

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iv. in eight instances, descriptions were provided which gave no indication of the condition of the items, for example '*plastic bag*' and '*swab case*'.[131]

98. The following table, prepared for this chapter, lists those items where the condition was reported as *'bag open*', *'open*' or '*not sealed*'.[132] No further comment was made about the condition in which the exhibits were found.

Table 1: Exhibits described as '*Bag open*', '*Open*' or '*Not sealed*'

Exhibit number	Description of item	Condition
CB/51	One jumper	'*Bag open*'
KNC/1	Vehicle Service Book	'*Open*'
CB/1 A	Shoe	'*Bag open*'
CB/1 B	Shoe	'*Bag open*'
CB/6	Jacket	'*Bag open*'
CB/7	Shirt	'*Bag open*'
KD/27	Trousers	'*Bag open*'
GF/5	Two packets of crisps	'*Not sealed*'
PL/1	Lightweight blue jacket	'*Bag open*'

99. The Panel notes that the shoes (CB/1 A and CB/1 B), the jacket (CB/6) and the shirt (CB/7) were those of Daniel Morgan. The jumper (CB/51) and the lightweight blue jacket (PL/1) belonged to two different suspects, who were stated to have been eliminated from the Morgan One Investigation. There is evidence to suggest there was some confusion in relation to the ownership of at least one exhibit. In various records of the exhibits, the trousers (KD/27) are stated as being owned by Garry Vian and Glenn Vian. It has not been possible to establish to which of the Vian brothers these trousers (KD/27) belonged.[133,134,135]

100. The 2000 Murder Review Report noted that:

> *'*[c]*rucially the murder weapon and some items of the victims* [sic] *clothing were retrieved from Eltham Police Station. They had apparently been stored until quite recently at Solicitors Branch, Wellington House. The review team could not find any documentary continuity for the exhibits although original labelling and seals are intact on many items* […]. *Enquiries at Prisoners Property Store reveal that only the car belonging to MORGAN and its contents were ever submitted to the store. All that now remains in Prisoners Property Store is the twelve items that were in the car.'*[136]

101. In addition to those exhibits retrieved, the 2000 Murder Review Report listed 61 exhibits which were not shown as having been restored to their owners, and which could not be located.[137] The list included both documentary and physical exhibits from the Morgan One

131 2000 Murder Review Report, Appendix F: Exhibit Issues, MPS054329001, p2, 06 October 2000.
132 2000 Murder Review Report, Appendix F: Exhibit Issues, MPS054329001, p2, 06 October 2000.
133 2000 Murder Review Report, MPS020525001, p75, para 8.1.3, 06 October 2000.
134 List of exhibits taken from victim, MPS011614001, undated.
135 List of exhibits, MPS079934001, undated.
136 2000 Murder Review Report, MPS020525001, p75, para 8.1.3, 06 October 2000.
137 2000 Murder Review Report, Appendix F: Exhibit Issues, MPS054329001, pp3-4, 06 October 2000.

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Investigation, for example, interview transcripts and tapes arising from Garry Vian's, Glenn Vian's and Jonathan Rees's post-arrest interviews. It also included Daniel Morgan's job book from DJM Investigations (the private investigation company that Daniel Morgan had run before becoming a partner at Southern Investigations); Southern Investigations' diaries belonging to Daniel Morgan and Jonathan Rees; and computer printouts of the car phone bills of Daniel Morgan and Jonathan Rees.[138]

> 102. The responsibility for the secure handling of the Morgan One exhibits rested at various times with the Metropolitan Police Forensic Laboratory, the Forensic Science Service and the Morgan One and Hampshire/Police Complaints Authority investigations. It is not possible from the records to identify who was responsible for the condition in which the Metropolitan Police exhibits were found by the 2000 Murder Review team. It is clear that there was no documentary continuity for a number of important exhibits, including the murder weapon, which would have led to challenge had any attempt been made to produce the exhibits in question as evidence in any trial.

5.8.2 Hampshire/Police Complaints Authority exhibits

103. The Hampshire/Police Complaints Authority investigation produced 349 exhibits,[139] of which 129 were retrieved by the 2000 Murder Review.[140] The 2000 Murder Review Report noted in particular that the boxes for exhibits 32 to 150 were not located by the 2000 Murder Review.[141] No details of these exhibits were provided. The report made no comment on the Hampshire/Police Complaints Authority exhibits retrieved.

104. One of the most important documents resulting from the Hampshire/Police Complaints Authority Investigation was DCI Terence Farley's report on the forensic aspects of the Morgan One Investigation (see Chapter 3, The Hampshire/Police Complaints Authority Investigation). DCI Farley's report would have been relevant to the 2000 Murder Review as it identified forensic opportunities that were missed in the Morgan One Investigation. DCI Farley had concluded that:

> *'forensically the case was not handled at all professionally and there was obvious neglect probably through either ignorance or incompetence and fragmented involvement. There was an obvious lack of direction, co-ordination, management and supervision. The initial effort must be described as pathetic.'*[142]

105. On 19 January 1989, DCI Terence Farley's report had been submitted to DCS Alan Wheeler, who was conducting the Hampshire/Police Complaints Authority Investigation.[143] DCI Farley included in his report the details of an informal discussion he had had with D/Supt Douglas Campbell, the officer in charge of the Morgan One Investigation, on 26 October 1988.

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138 2000 Murder Review Report, Appendix F: Exhibit Issues, MPS054329001, pp3-4, 06 October 2000.
139 Receipt of Operation Drake exhibits, MPS026282001, pp2-9, 1 December 1989.
140 2000 Murder Review Report, Appendix F: Exhibit Issues, MPS054329001, p5, 06 October 2000.
141 2000 Murder Review Report, MPS020525001, p75, para 8.1.2, 06 October 2000.
142 Forensic Report by DCI Terence Farley, MPS005270001, p23, 19 January 1989.
143 Forensic Report by DCI Terence Farley, MPS005270001, p1, 19 January 1989.

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DCI Farley then offered to elaborate on his opinion of D/Supt Campbell, as well as certain other matters connected to the Morgan One Investigation (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).[144]

106. The report by DCI Terence Farley had been registered on the Hampshire/Police Complaints Authority HOLMES account on 08 March 1989, but the report was never typed onto the police computer system. In order to read the report, DI Steve Hagger would have had to access a hard copy of the document in the Hampshire/Police Complaints Authority material. There was no reference in the 2000 Murder Review Report to the forensics report completed by former DCI Farley in January 1989, and former DI Hagger had no memory of reading that report when asked about it by the Panel.

107. Given the significance of DI Terence Farley's report and his offer within it to provide further specific information, including, '*the known and suspected criminal involvement by police officers*' and '*unwise criminal and domestic associations by Metropolitan police officers revealed during the course of the original enquiry*', together with the fact that DI Steve Hagger had no memory of seeing it, the Panel concludes that DI Hagger did not see this important document.[145] The existence of this document was recorded on the Hampshire database and, given it existed, DI Hagger should have asked for it.

108. The Panel has found no evidence that a thorough examination of the Hampshire/Police Complaints Authority Investigation exhibits, including an investigation into those that were missing, was carried out by the 2000 Murder Review. Had this been done, among other items, Jonathan Rees's 1987 *Letts* desk diary could have been identified as an item which warranted further examination. As noted in the Hampshire/Police Complaints Authority chapter (see Chapter 3), this was potentially a very important document which had not been adequately dealt with by either the Morgan One or the Hampshire/Police Complaints Authority investigations.

5.9 Forensic submissions

109. The 2000 Murder Review Report stated that a case conference was held with the forensic scientist from the Morgan One Investigation, Phillip Toates, and with a member of the Serious Crimes Section. Six of the items recovered by the 2000 Murder Review team were then submitted for forensic examination. These were: the bank notes found on Daniel Morgan's body at the scene of his murder; Daniel Morgan's shoes, trousers and shirt; the axe used to murder Daniel Morgan; and tapings from the axe.[146] They were submitted to ascertain whether advances in fingerprinting techniques, and focused examination of blood-staining on Daniel Morgan's trousers and the bank notes found in his pocket, might provide evidence.[147]

144 Forensic Report by DCI Terence Farley, MPS005270001, p19, 19 January 1989.
145 Forensic Report by DCI Terence Farley, MPS005270001, pp19-20, 19 January 1989.
146 2000 Murder Review Report, MPS020525001, p76, para 8.2.1, 06 October 2000.
147 2000 Murder Review Report, MPS020525001, p76, para 8.2.1, 06 October 2000.

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110. Despite the fact that various items of clothing and other items had been seized during the Hampshire/Police Complaints Authority Investigation, some of which were contaminated by blood (see Chapter 3, The Hampshire/Police Complaints Authority Investigation), no such items from that investigation were submitted for forensic examination by the 2000 Murder Review team, nor were they referred to in the 2000 Murder Review Report.

111. The forensic testing was not completed until 2001, after the completion of the 2000 Murder Review Report, and therefore no mention of the results was made in the report.[148,149] The Panel covers the outcome of the forensic testing conducted by Philip Toates in the next chapter (see Chapter 6, The Abelard One/Morgan Two Investigation).

112. The list of Hampshire/Police Complaints Authority exhibits retrieved by the 2000 Murder Review contains no information other than the exhibit number, in contrast to the list of 42 exhibits from the Morgan One Investigation, which contains the exhibit number and a description of the item and its condition. Therefore, there is no evidence that these exhibits were examined in order to identify further investigative opportunities. There is no specific reference in the 2000 Murder Review Report to the various items of clothing and other items seized during the Hampshire/Police Complaints Authority Investigation, and no attempt was made to identify further investigative opportunities which might have arisen from the examination of such exhibits.

5.10 Intelligence

113. The 2000 Murder Review also examined intelligence documentation. This included documentation available to the Morgan One and Hampshire/Police Complaints Authority investigations, and additional intelligence gained as a result of Operation Nigeria/Two Bridges.

5.10.1 Telephone intelligence

114. The 2000 Murder Review Report noted that, while the available telephone records had been examined by the Morgan One and Hampshire/Police Complaints Authority investigations, research undertaken by the 2000 Murder Review indicated that there may have been a possibility of gaining additional intelligence. However, it was subsequently established that telephone company records were only retained for seven years, and therefore any records which were not obtained by the original investigation had since been routinely destroyed.[150] As a consequence, the 2000 Murder Review Report concluded that '[t]*here is no potential for telephone analysis in this case and the lack of complete records may cause evidential problems during a prosecution*'.[151]

5.10.2 The Operation Nigeria/Two Bridges transcripts

115. The 2000 Murder Review Report noted that the review had been supplied with covert listening material by the Complaints Investigation Bureau 3 (CIB3), which had overseen Operation Nigeria/Two Bridges.[152] This material comprised 26 tape transcripts from Operation

148 Forensics report from Philip Toates to DI Steve Hagger, MPS071144001, pp1-3, 09 March 2001.
149 Forensics report from Philip Toates to DCI David Zinzan, MPS071145001, p1, 15 June 2001.
150 2000 Murder Review Report, MPS020525001, p64, para 7.3, 06 October 2000.
151 2000 Murder Review Report, MPS020525001, p64, para 7.4, 06 October 2000.
152 2000 Murder Review Report, MPS020525001, p64, para 7.5, 06 October 2000.

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Nigeria/Two Bridges, officers' information reports, witness statements and police actions. It noted that the tape transcripts, which covered the period from April 1999 to August 1999, twice contained direct reference to the murder of Daniel Morgan. The first reference was to denials by Jonathan Rees, following the publication of the *Daily Telegraph* article (see Chapter 4, Operation Nigeria/Two Bridges), that he was involved in the murder. The second referred to comments, thought to be by Glenn Vian, that, '*we got rid of the car. I mean they... to that car, that car's not there anymore anyway there's no, it's all hearsay...*'. The 2000 Murder Review Report noted that '[t]*he record of this conversation is not complete but could be construed as an admission, to a part in the murder. On the other hand the speaker may be speaking of an unrelated issue.*'[153] As well as these particular transcripts, there were several others summarised in an appendix to the report, because of their potential relevance to the Daniel Morgan murder investigation.[154] However, further to analysis of all of these transcripts, the report concluded the following:

> *'It is the assessment of the Review Group that based upon the tape transcript material passed to them by CIB, no useful evidence has been obtained concerning the murder of MORGAN from that product.'*[155]

5.10.3 Further intelligence provided to the 2000 Murder Review

116. The 2000 Murder Review Report stated that during Operation Nigeria/Two Bridges, information was provided by William Newton and Person F11, alleging that Jonathan Rees had paid for Daniel Morgan to be murdered (see above, paragraph 69; see also Chapter 4, Operation Nigeria/Two Bridges). The report also stated that William Newton named James Cook as having been involved in the murder, while Person F11 named James Cook and '*Glen VINES*' and said that after the event the car used in the murder had been hidden in a garage owned by an associate of James Cook, Person P9, until it was destroyed.[156] Person F11 had been charged on 18 September 1998 with conspiracy to murder James Cook. The 2000 Murder Review Report recommended that both witnesses be re-interviewed regarding their knowledge of the case.[157,158] The report concluded:

> '[a]*s a result of a meeting held between the Review Group and CIB3 it became apparent there is currently a feud between Jimmy COOK,* [Person F11] *and* [Person P9]*. Nevertheless the statement provided by* [Person F11] *naming Glen* [sic] *VIAN and Jimmy COOK is impressive and several new lines of enquiry have been recommended.*'[159]

6 Family liaison

117. In interview with the Panel, former DI Steve Hagger said that he had had no contact with members of Daniel Morgan's family.[160]

153 2000 Murder Review Report, MPS020525001, p65, 06 October 2000.
154 2000 Murder Review Report, Appendix C: Summary of Tape Transcripts '*Operation Florida*', MPS054326001, undated.
155 2000 Murder Review Report, MPS020525001, p65, para 7.11, 06 October 2000.
156 Witness statement of Person F11, MPS046816001, p2, 22 January 1999.
157 2000 Murder Review Report, MPS020525001, p37, para 6.9.35, 06 October 2000.
158 2000 Murder Review Report, MPS020525001, p39, para 6.9.46, 06 October 2000.
159 2000 Murder Review Report, MPS020525001, p73, para 7.72, 06 October 2000.
160 Panel interview with former DI Steve Hagger, p3, para 26, 31 May 2016.

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118. Nevertheless, the 2000 Murder Review assessed liaison with members of Daniel Morgan's family during the Morgan One Investigation and Operation Nigeria/Two Bridges but did not do the same for the Hampshire/Police Complaints Authority Investigation. In relation to the Morgan One Investigation, the 2000 Murder Review Report stated:

> *'In 1987 there were no formal family liaison policies in place, no formal documentary logs, and contact with the family was less structured and more focused on the needs of the investigation rather than on the requirements of the family. Good relationships have been formed however, in particular with Iris MORGAN, who is believed to be happy with the support she received from police* [...]. *Alistair* [sic] *MORGAN on the other hand has been driven by the murder of his brother and has been critical of the investigations.'*[161]

119. In reference to the family liaison provided during Operation Nigeria/Two Bridges, the 2000 Murder Review Report stated that:

> *'*[i]*ntelligence gained during the course of their enquiries led to CIB(3)* [Criminal Investigation Bureau 3] *making contact with the relatives of Daniel MORGAN. CIB officers have now found themselves in the position of being de facto "family liaison officers".'*[162]

> *'CIB have been in regular recent contact with Alistair* [sic] *MORGAN who takes the stance that corruption within both the Metropolitan Police Investigation and the subsequent Hampshire Investigation has meant no one has been convicted of his brother's murder. This is articulated in various Press articles sourced to Alistair* [sic] *MORGAN. He believes that Sidney FILLERY is implicated in the murder and has concerns around why he has not been charged.'*[163]

120. The 2000 Murder Review Report also noted:

> *'Alistair* [sic] *MORGAN is currently in the process of instituting civil proceedings against Hampshire Constabulary with a view to obtaining their original report. He has regular contact with DAC* [Roy] *CLARK and his staff and has met personally with him.'*[164]

121. The 2000 Murder Review Report stated that '[t]*he Review Group have NOT had the opportunity to view the Family Liaison Logs* [...] *in this case* [Operation Nigeria/Two Bridges]'[165] (emphasis in original). No explanation was provided for this omission in documentation provided to the Panel.

122. The 2000 Murder Review Report stated that '*CIB(3) are not investigating the murder of Daniel John MORGAN. They are proactively seeking intelligence regarding other issues. DCI* [Barry] *NICHOLSON is fully aware that officers from within his Unit should not be performing the role of Family Liaison, but circumstances have led them to this situation*.' The report further noted that DS Richard Oliver and the Detective Constable were '*experienced Detective Officers but neither of them has received the accredited Family Liaison Course*'. Finally, the report stated that '*it must be borne in mind that Alistair* [sic] *MORGAN has concerns regarding corruption and conspiracy in relation to the investigation of his brother's murder*'. For this reason, the report recommended that '*the assessment level of this case in respect of contact with Alistair* [sic]

161 2000 Murder Review Report, MPS020525001, p77, para 9.3, 06 October 2000.
162 2000 Murder Review Report, MPS020525001, p77, para 9.4, 06 October 2000.
163 2000 Murder Review Report, MPS020525001, pp77-78, para 9.6, 06 October 2000.
164 2000 Murder Review Report, MPS020525001, p78, para 9.7, 06 October 2000.
165 2000 Murder Review Report, MPS020525001, p78, para 9.11, 06 October 2000.

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MORGAN be raised to level 2'. Level 1 reflected an assessment that '*contact with the family is excellent, no anticipated problems*', while Level 2 applied where '*contact with the family is giving cause for concern*'.[166] For more on Family Liaison Policy, see Chapter 12, The Treatment of the Family.

123. Although formal family liaison logs did not exist at the time the Morgan One and Hampshire/Police Complaints Authority investigations took place, there were, nevertheless, records in relation to family liaison activities during this period. There is no mention of any consideration by the 2000 Murder Review of family liaison during the Hampshire/Police Complaints Authority Investigation, and there is no record that any family liaison documents were sought by the 2000 Murder Review.

124. The Panel agrees with the 2000 Murder Review Report that it was necessary to increase the level of family liaison from Level 1 to Level 2, as there was evidence of family concern in relation to corruption and conspiracy.

7 The 2000 Murder Review Report's recommendations

125. While the 2000 Murder Review Report acknowledged that the '[p]*assage of time and availability or otherwise of persons and documentation may adversely affect the outcome of some of the recommendations in this report'*, it stated the following:

> (a) *'It is the assessment that new investigative leads are now available which were not considered or available to the original enquiry.*
>
> (b) *New evidence is available. Forensic treatments to key exhibits are now available.*
>
> (c) *Events since the original investigations mean circumstances exist for key witnesses to change allegiance.*
>
> - *There are forensic opportunities.*
> - *Relevant exhibits and documentation have been located.*
> - *There are investigative opportunities.*
> - *There are intelligence opportunities.'*[167]

126. The 2000 Murder Review Report made a total of 83 recommendations, the majority of which were recommended lines of enquiry for a future reinvestigation.[168] Approximately half of these 83 recommendations could be considered by the Panel to be significant, in

166 2000 Murder Review Report, MPS020525001, p78, paras 9.12-9.13, 06 October 2000.
167 2000 Murder Review Report, MPS020525001, p81, para 10.2, 06 October 2000.
168 Para 2.11 of p6 of the 2000 Murder Review Report states that 82 recommendations have been identified; 83 recommendations are subsequently listed throughout the report.

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that they referred to the suspects, persons of interest or significant witnesses identified in investigations, whereas the others concerned completing minor lines of enquiry. The final two recommendations were that '*a focused reinvestigation is commenced into the murder of Daniel MORGAN*'[169] and that '*consideration is given to deployment of a reinvestigation team from outwith the South East London area*'.[170]

127. In addition to the 83 recommendations, the 2000 Murder Review Report also raised 22 considerations regarding matters where '*further work should be considered by a reinvestigation team*'.[171]

128. Jonathan Rees was described in the 2000 Murder Review Report as a key suspect, the only individual to be labelled as such. Glenn Vian, Garry Vian, Margaret Harrison, John Peacock, Sharon Rees and Kevin Lennon were described as key witnesses. Jonathan Rees was correctly identified as the key suspect and the recommendation to further investigate him was justified. It is not clear why he was the only suspect identified during the review. In general, the 2000 Murder Review Report's suggestions for further lines of enquiry in a reinvestigation were both thorough and logical.

129. The 2000 Murder Review examined the police actions of the Morgan One Investigation, the Hampshire/Police Complaints Authority Investigation and Operation Nigeria/Two Bridges. Although elements of the Hampshire/Police Complaints Authority Investigation were reviewed by the 2000 Murder Review team, and there is evidence that some material was used to inform the analysis in the 2000 Murder Review Report, the review's approach to the Hampshire/Police Complaints Investigation was unsatisfactory and incomplete.

There were no recommendations arising directly out of the Hampshire/Police Complaints Authority Investigation. There was no full analysis of the Hampshire/Police Complaints Authority Investigation similar to the analysis of the Morgan One Investigation. A systematic analysis of the Hampshire/Police Complaints Authority Investigation material would have identified important lines of enquiry which a future investigation could have addressed.

7.1 The 2000 Murder Review Report's consideration of corruption

130. The suggestion that corruption may have played a part in the initial investigation into Daniel Morgan's murder had been a concern, in particular, to the family of Daniel Morgan, since the early days of the Morgan One Investigation. The 2000 Murder Review Report does not specifically refer to the suspicion or possibility of police corruption occurring during the course of the Morgan One Investigation. The stated purpose of cold-case reviews such as this

169 2000 Murder Review Report, MPS020525001, p82, para 10.7, 06 October 2000.
170 2000 Murder Review Report, MPS020525001, p82, para 10.8, 06 October 2000.
171 2000 Murder Review Report, MPS020525001, p6, para 2.11, 06 October 2000.

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was to examine existing evidence of past investigations, and the Panel notes that there was no requirement in the 2000 Murder Review's Terms of Reference to examine the possibility of police officers having corruptly affected the murder investigations.

131. The 2000 Murder Review Report put forward a proposal relating to DS Sidney Fillery's activities on the Morgan One Investigation, arising from its review of messages, actions and other documents (see paragraphs 58-60 above). Although not explicitly related to corruption, it ensured that the alleged corrupt activities of DS Fillery were in fact considered. It was not necessary for the 2000 Murder Review's Terms of Reference to include explicit reference to corruption in order for this element to be considered.

132. Although the Panel has identified some gaps in the overall 2000 Murder Review Report, for example the lack of analysis on the *Letts* desk diary and some aspects of the forensics examination (see paragraph 108 above), the 2000 Murder Review of the Morgan One Investigation was thorough, and provided a basis for opening a further investigation employing both covert and overt elements.

8 The Metropolitan Police response to the 2000 Murder Review Report

133. On 14 November 2000, DI Steve Hagger presented the 2000 Murder Review Report to senior officers.[172] It contained the recommendation that consideration be given to the appointment of a team from outside South East London to reinvestigate the case.[173] Following discussion it was agreed that a reinvestigation would commence, and that '*in view of issues surrounding the case another Force, unconnected with the MPS* [Metropolitan Police Service] *or subsequent investigations, be asked to undertake the enquiry*'.[174]

134. As a result of a meeting on 04 January 2001,[175] DAC Roy Clark determined that '*the MPS* [Metropolitan Police Service] *and NOT an outside force would undertake the focussed re-investigation*' (emphasis in original), a decision which conflicts with the agreement made on 14 November 2000.[176] It was further determined that '[t]*he reinvestigation would be undertaken jointly by CIB* [Criminal Investigation Bureau] *(covert side) and SCG* [Strategic Coordinating Group] *(traditional investigative side)*'.[177]

135. According to former DAC Roy Clark during interview with the Panel, attempts to find another police force to conduct the investigation were unsuccessful.[178]

172 Panel interview with former DI Steve Hagger, p3, para 19, 31 May 2016.
173 2000 Murder Review Report, MPS020525001, p82, para 10.8, 06 October 2000.
174 Minutes of the Murder Review meeting, MPS094325001, p235, 14 November 2000.
175 File note of DCS Barry Webb, MPS094325001, p7, 09 January 2001.
176 Minutes of the Murder Review meeting, MPS094325001, p235, 14 November 2000.
177 File note of DCS Barry Webb, MPS094325001, p7, 09 January 2001.
178 Panel interview with former DAC Roy Clark, pp4-5, 31 July 2018.

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136. In 2020, former DAC Roy Clark informed the Panel that he recalls personally contacting at least two forces but was turned down on resourcing grounds. Having been unable to persuade another force to undertake the enquiry, DAC Clark decided that the Metropolitan Police would conduct the investigation.

137. As a result of the 2000 Murder Review Report, the Abelard One/Morgan Two Investigation was established in 2001.

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Chapter 6: Abelard One/ Morgan Two Investigation

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1 Introduction

1. Following the completion of the 2000 Murder Review Report (see Chapter 5) the Metropolitan Police decided, as recommended by the Report, to institute a fresh, dedicated reinvestigation of the murder of Daniel Morgan.

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2. The new investigation, the third since Daniel Morgan's murder, had two limbs: a covert arm, Abelard One, which was established in April 2001 and led by DCI, later T/D/Supt David Zinzan; and an overt arm, Morgan Two, which was established in May 2002 and led by DCS David Cook. The two operations are referred to as the Abelard One/Morgan Two Investigation.

3. After the closure of the Abelard One/Morgan Two Investigation it was reviewed by DAC Michael Fuller in November 2003 and he expressed satisfaction that the investigation had dealt with the recommendations made by the 2000 Review Report. However, he expressed concern about the ongoing activities of Glenn and Garry Vian and made recommendations for future action.

1.1 Chronology of key events relating to the Abelard One/Morgan Two Investigation

- **14 November 2000** Decision made that a re-investigation of Daniel Morgan's murder was to be conducted.
- **04 January 2001** Decision that the reinvestigation would comprise a covert side conducted by the Metropolitan Police Complaints Investigation Bureau and an overt side conducted by the Metropolitan Police Serious Crime Group.
- **02 April 2001** The investigation's Terms of Reference established.
- **April 2001** Lifestyle surveillance of Glenn Vian commenced.
- **June 2001** Lifestyle surveillance of Person P9 commenced.
- **August 2001** Lifestyle surveillance of former DS Sidney Fillery commenced.
- **October 2001** Lifestyle surveillance of James Cook commenced.
- **Spring 2002** DCI David Zinzan temporarily promoted to D/Supt.
- **17 May 2002** DCS David Cook appointed as the Senior Investigating Officer of the overt Morgan Two Investigation.
- **26 June 2002** DCS David Cook appeared on *Crimewatch* broadcast.
- **June–July 2002** DCS David Cook was placed under surveillance by *News of the World* journalists.
- **03 October 2002** Person P9 was arrested.
- **07 October 2002** James Cook was arrested.
- **10 October 2002** Person P9 was interviewed.
- **19 October 2002** Garry Vian was arrested.
- **24 October 2002** Glenn Vian was arrested.
- **16 December 2002** Jonathan Rees and James Cook were arrested.
- **17 December 2002** Searches of former DS Sidney Fillery's premises carried out.

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- **16-20 December 2002** Third phase of covert surveillance.
- **17 January 2003** Former DS Sidney Fillery was arrested.
- **07 March 2003** DCS David Cook submitted his advice file to the Crown Prosecution Service.
- **08 August 2003** Decision not to prosecute due to insufficient evidence.

Officers of significance in the Abelard One/Morgan Two Investigation (in order of rank)

- DAC Roy Clark
- DAC William Griffiths
- Commander Andre Baker
- Commander Andrew Hayman
- DCS Shaun Sawyer
- DCS David Cook (Senior Investigating Officer – Morgan Two)
- DCI, later T/D/Supt David Zinzan (Senior Investigating Officer – Abelard One)
- A/DCI Neil Hibberd
- DS Richard Oliver

2 Establishment of the Abelard One/Morgan Two Investigation

4. The Abelard One/Morgan Two Investigation was established as a result of several factors – intelligence gathered during Operation Nigeria/Two Bridges in 1999 (see Chapter 4, Operation Nigeria/Two Bridges), new evidence received from Person F11 in January 1999,[1] and the 2000 Murder Review Report in October 2000 (see Chapter 5, The 2000 Murder Review: The Cold-Case Review of the Investigation into Daniel Morgan's Murder). This report included 83 recommendations[2] for possible investigative actions, concluding that a '*focused reinvestigation*' should be undertaken and '*that consideration is given to deployment of a reinvestigation team from outwith the South East London area*'.[3]

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1 Witness statement of Person F11, MPS040657001, 22 January 1999.
2 2000 Murder Review Report, MPS020525001, pp83-91, 06 October 2000.
3 2000 Murder Review Report, MPS020525001, p82, paras 10.7-10.8, 06 October 2000.

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5. In a Metropolitan Police meeting on 14 November 2000, led by DAC Roy Clark and attended by a representative of Her Majesty's Inspectorate of Constabulary, it was agreed that '*another Force*' should conduct the reinvestigation.[4] Evidence suggests DAC Clark did seek an outside force to undertake the reinvestigation but his attempts were unsuccessful.[5]

6. Former DAC Clark told the Panel in interview that he had felt that, had the investigation been taken over by another police force then the progress made by Operation Nigeria/Two Bridges would have been sacrificed[6] (see Chapter 4, Operation Nigeria/Two Bridges). It was eventually decided on 4 January 2001 that the Metropolitan Police would undertake the reinvestigation.[7]

7. It was further decided on 04 January 2001 that the reinvestigation should comprise a covert side conducted by the Metropolitan Police Complaints Investigation Bureau which was responsible for, among other things, investigating police corruption, and was succeeded by the Directorate of Professional Standards. It would seek information to be acted on by the overt investigation which would be conducted by the Metropolitan Police Serious Crime Group.[8]

8. From its establishment in April 2001, the covert side of the investigation, Abelard One, involved both covert surveillance and overt investigation[9] (such as consideration of the forensic recommendations of the 2000 Review Report). The overt side of the investigation, Morgan Two,[10] was created in May 2002 after an overall strategy had been developed and some investigation had taken place.[11]

9. The covert Abelard One and overt Morgan Two investigations operated jointly and ultimately concurrently, forming a single investigation, and are referred to[12] as the Abelard One/Morgan Two Investigation.

2.1 The recruitment of DCI David Zinzan

10. On 15 February 2001, DCI David Zinzan, (who was temporarily promoted to Detective Superintendent in Spring 2002)[13] was instructed by Commander Andrew Hayman of the Metropolitan Police Directorate of Professional Standards to read the papers on the Daniel Morgan case and prepare an investigative plan.[14,15]

11. DCI David Zinzan was appointed Senior Investigating Officer of the Abelard One Investigation some time between 15 February 2001 and 02 April 2001.[16,17] On 14 March 2001 DCI Zinzan reported that he had acquainted himself with the case and had spoken about the 2000 Murder Review Report with its author, DI Steve Hagger.[18] He had identified many concerns which, he said, needed to be considered prior to any reinvestigation.

4 Minutes of the Murder Review Meeting, MPS094325001, pp233 and 235, 14 November 2000.
5 Panel interview with former DAC Roy Clark, pp4-5, 31 July 2018.
6 Panel interview with former DAC Roy Clark, pp4-5, 31 July 2018.
7 File note of DCS Barry Webb, Review of the investigation into the murder of Daniel Morgan, MPS094325001, p7, 09 January 2001.
8 File note of DCS Barry Webb, Review of the investigation into the murder of Daniel Morgan, MPS094325001, p7, 9 January 2001.
9 Decision log, MPS04052700, p8, 03 April 2001.
10 Metropolitan Police, proactive assessment and tasking proforma, MPS094325001, p16, 22 December 2003.
11 Operation Abelard Gold Group meeting minutes, MPS049856001, 17 May 2002.
12 File note of DCS Barry Webb, Review of the investigation into the murder of Daniel Morgan, MPS094325001, p7, 09 January 2001.
13 Panel interview with former DCI David Zinzan, p14, 15 March 2016.
14 Panel interview with former DCI David Zinzan, p1, 15 March 2016.
15 Report of DCI David Zinzan, MPS054322001, p1, 14 March 2001.
16 DCI David Zinzan was first contacted by a Detective Superintendent on 15 February 2001, see Report by DCI David Zinzan, MPS054322001, p1, 14 March 2001.
17 DCI David Zinzan entered his first decision in his decision log on 02 April 2001, see Decision log, MPS040527001, p5, 02 April 2001.
18 Report by DCI David Zinzan, MPS054322001, 14 March 2001.

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12. DCI David Zinzan explained to Commander Andrew Hayman that his current incident room at Thornton Heath was close to the offices of Law & Commercial (the new name of Southern Investigations, of which Daniel Morgan had been a partner), and was not secure. He was very concerned that suspects in the case were '*corrupters of police*', that his premises could easily be accessed by serving members of the Metropolitan Police and that this had the potential to *'compromise the investigation*'.[19]

13. The 2000 Murder Review Report had recommended that '*consideration is given to deployment of a reinvestigation team from outwith the South East London area*'.[20] DCI David Zinzan's report unequivocally stated '[i]*f this advice is not followed then a clear reason at a senior level needs to be documented*'. Otherwise, '[t]*he suspicion of corruption by the family may be reinforced*'.[21]

14. DCI David Zinzan said that:

> *'*[m]*embers of my team will have to be vetted by CIB,*[22] *Masonic connections will have to be explored. My two Detective Inspectors have declared Masonic interests, which would, in my view, preclude them from being on the enquiry team. Many of my officers, have spent most of their careers in South London CID offices and know the individuals concerned. I have no reason to doubt their integrity but it may provide the family with the ammunition should the new enquiry not produce the result they desire."*[23]

See Chapter 10 for further discussion of freemasonry and any connection to the investigations of Daniel Morgan's murder.

15. He also reported that a team would need to be available to deal with any '*live issues*' which arose during the course of the covert investigation.[24] He concluded his report by recommending that his unit should not be involved and suggested that another unit should undertake the reinvestigation.[25] In interview with the Panel, former DCI David Zinzan said that he was told by Commander Andrew Hayman that he was to lead the reinvestigation.[26]

16. Former DCI David Zinzan also told the Panel that his concerns were subsequently addressed,[27] and thereafter he felt supported by Commander Andrew Hayman and DCS Shaun Sawyer, his commanding officer.[28,29] Former DCI Zinzan, explained that '*he had everything he needed*', he was given a team comprising vetted officers and was accommodated '*in a secure floor'*. He felt that '[p]*eople had confidence in him. Resources were not an issue; money was no object,*' and anything he asked for he got.[30] This view was subsequently endorsed in the 2006 Report from the Commissioner of the Metropolitan Police Service to the Metropolitan Police Authority.[31]

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19 Report by DCI David Zinzan, MPS054322001, p2, 14 March 2001.
20 2000 Murder Review Report, MPS020525001, p82, paras 10.7-10.8, 06 October 2000.
21 Report by DCI David Zinzan, MPS054322001, p2, 14 March 2001.
22 Complaints Investigation Bureau.
23 Report by DCI David Zinzan, MPS054322001, p2, 14 March 2001.
24 Report by DCI David Zinzan, MPS054322001, p2, 14 March 2001.
25 Report by DCI David Zinzan, MPS054322001, p3, 14 March 2001.
26 Panel interview with former DCI David Zinzan, pp3 and 15, 15 March 2016.
27 Panel interview with former DCI David Zinzan, pp2-5, 15 March 2016.
28 Panel interview with former DCI David Zinzan, pp1, 6 and 13, 15 March 2016.
29 Panel interview with former DCI David Zinzan, p4, 23 May 2018.
30 Panel interview with former DCI David Zinzan, p6, 15 March 2016.
31 The 2006 Report from the Commissioner of the Metropolitan Police Service to the Metropolitan Police Authority, MPS105740001, pp46-47, paras 273 and 281, 31 January 2006.

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17. DCI David Zinzan's assessment of the risks facing the reinvestigation were well founded. Senior Metropolitan Police officers initially failed to recognise the gravity of the allegations of corruption levied at the Metropolitan Police and at some of those involved in the Morgan One Investigation, DCI Zinzan's efforts in raising his concerns and securing appropriate structures were commendable.

18. The 2000 Murder Review Report had concluded that consideration should be given to deploying '*a reinvestigation team from outwith the South East London area*'. The implication was that there was a need to safeguard the reinvestigation from corruption. Following DCI David Zinzan's recommendations, appropriate measures were taken to mitigate those risks, such as locating the investigation at secure premises and vetting officers. These measures demonstrate that lessons had been learned from previous investigations.

3 The structure and accountability of the Abelard One/Morgan Two Investigation

19. On Monday 02 April 2001, in his first recorded decision, DCI David Zinzan recorded that there would be 'a *focussed re-investigation into the murder of Daniel Morgan*'[32] and that the Terms of Reference were:

1. *'To use the report of the Murder Review Group as the template for the enquiry.'*
2. *'Any significant departure from this ToR will be sanctioned by a management board.'*[33]

20. The following day, the '[p]*lanned method of investigation*'[34] was recorded in the decision log as follows:

'This re-investigation will be phased. The first phase will be a covert operation. The purpose of this will be to assess

- *Current lifestyle of subject(s)*
- *Gather up to date intelligence*
- *Identify technical opportunities*
- *Identify potential triggers to be utilised and how to implement them*

32 Decision log, MPS040527001, p5, 02 April 2001.
33 Decision log, MPS040527001, p5, 02 April 2001.
34 Decision log, MPS040527001, p8, 03 April 2001.

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The second phase will consist of an overt re-investigation headed by a "nominal" SIO [Senior Investigating Officer] *from the SCG [Serious Crime Group]. This is to disguise DPS* [Directorate of Professional Standards] *involvement. This will involve:-*

- *A public announcement of the new enquiry involving the DPA* [Directorate of Public Affairs] *and the family.*
- *Maximum use of "actions" to produce "triggers" and or intelligence opportunities*
- *Use of intelligence to develop investigative leads."*[35]

21. The investigation team at this early stage comprised only five officers, including the Senior Investigating Officer. The other four officers were described as enquiries officers; two of them also acted as Family Liaison Officers when it became necessary.[36]

22. The 2000 Murder Review's suggestion that the reinvestigation team be free of South East London connections with previous Daniel Morgan murder investigations was complied with.

23. On 03 April 2001 a decision was made that a Management Board was to be established, and would comprise DCI David Zinzan, DCS Shaun Sawyer, and a senior officer from the Serious Crime Group.[37]

4 The Abelard One/Morgan Two Gold Group

24. Following an extensive period of surveillance of various kinds, on 07 May 2002 T/D/Supt David Zinzan wrote to DCS Shaun Sawyer proposing the formation of a Gold Group[38] to support both the covert and overt sides of the Abelard One/Morgan Two Investigation. He wrote:

'[t]*his case is a particularly difficult one, two previous investigations have been unsuccessful. There are substantial grounds to believe that the first investigation was undermined by corruption, FLO* [Family Liaison] *is assessed as level 2 bordering on level 3, the family are being represented per bono [sic] by a cause celeb solicitor and there is a considerable amount of correspondence on file from MP's* [sic]*. In short this is an investigation that could attract considerable publicity. For this reason I believe that it is important that a Gold Group is formed to assist in developing strategies and to co-ordinate the investigation."*[39]

25. A Gold Group was appointed,[40] with the following Terms of Reference:

a. '*Assist in developing the "Trigger strategies* [sic].
b. *Assist in Risk Assessments.*
c. *Assist in developing press strategies.*
d. *Assist in resource bids where appropriate.*

35 Decision log, MPS040527001, p8, 03 April 2001.
36 Decision log, MPS040527001, p10, 04 April 2001.
37 Decision log, DCI David Zinzan, MPS040527001, p9, 03 April 2001.
38 A 'Gold Group' is in overall strategic command of the operation. It sets the overarching strategy that all other plans must take account of.
39 Report by T/D/Supt David Zinzan, MPS047329001, p1, 07 May 2002.
40 File note re Gold Group, MPS047322001, p6, 15 May 2002.

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e. *Identifying impact upon the MPS* [Metropolitan Police Service] *of operational decisions/not undertaking certain actions.'*[41]

26. The first Gold Group meeting took place on 17 May 2002. It was chaired by DAC Andrew Hayman representing the Directorate of Professional Standards and included DAC William Griffiths representing the Serious Crime Group.[42,43,44] It was recorded that a Gold Group was '*convened'* and that Commander Andre Baker *'leads'*.[45] All meetings were chaired by senior officers[46,47,48,49,50] including DAC Hayman and DCS Sawyer.[51,52,53]

27. Meetings were held during an intense planning period in May and July 2002, during which the overt arm of the reinvestigation, Morgan Two, was established.[54,55,56,57,58] The Gold Group reconvened in May and August 2003 when the Abelard One/Morgan Two Investigation was being brought to a close.[59,60]

28. In 2020, the Metropolitan Police told that Panel that the Abelard One/Morgan Two Investigation was not one which required regularly scheduled Gold Group meetings, and that it was sufficient for such meetings to be arranged as and when issues arose.

29. There were no meetings of the Gold Group between July 2002 and May 2003, a significant proportion of the Abelard One/Morgan Two Investigation, including all consideration and decision-making about possible prosecutions. The Gold Group should have met regularly throughout the investigation.

5 The overt side of the Abelard One/Morgan Two Investigation

30. On 17 May 2002, DCS David Cook was appointed as the Senior Investigating Officer for the overt Abelard One/Morgan Two Investigation. He was responsible for the '*re-investigation and the actions raised by the review team*' and to pursue '*lines of investigation generated by the Crimewatch appeal*'. The Deputy Senior Investigating Officer was A/DCI Neil Hibberd.

41 '*Operation Abelard Gold Group Terms of reference*', MPS042644001, undated.
42 File note re Gold Group, MPS047322001, p6, 15 May 2002.
43 Minutes of Gold Group meeting, MPS049856001, 17 May 2002.
44 Action A110, *'DAC HAYMAN of DPS & DAC GRIFFITHS of SCG to be approached re use of Gold Group. Liaise with DCS SAWYER who will initiate this approach'*, MPS040410001, 13 March 2002.
45 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p129, undated.
46 Minutes of Gold Group meeting, MPS049871001, 29 May 2002.
47 Minutes of Gold Group meeting, MPS049856001, p7, 17 May 2002.
48 Minutes of Gold Group meeting, MPS049784001, 01 July 2002.
49 Minutes of Gold Group meeting, MPS049848001, 03 July 2002.
50 Minutes of Gold Group meeting, MPS049778001, 11 July 2002.
51 Minutes of Gold Group meeting, MPS049856001, 17 May 2002.
52 Action A110, *'DAC HAYMAN of DPS & DAC GRIFFITHS of SCG to be approached re use of Gold Group. Liaise with DCS SAWYER who will initiate this approach'*, MPS040410001, 13 March 2002.
53 Minutes of Gold Group meeting, MPS049778001, 11 July 2002.
54 Minutes of Gold Group meeting, MPS049856001, 17 May 2002.
55 Minutes of Gold Group meeting, MPS049871001, 29 May 2002.
56 Minutes of Gold Group meeting, MPS049784001, 01 July 2002.
57 Minutes of Gold Group meeting, MPS049848001, 03 July 2002.
58 Minutes of Gold Group meeting, MPS049778001, 11 July 2002.
59 Minutes of Gold Group meeting, MPS061654001, pp2-3, 07 May 2003.
60 Minutes of Gold Group meeting, MPS071568001, 12 August 2003.

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31. Former DCS David Cook has, however, denied that he was appointed the Senior Investigating Officer for the overt Abelard One/Morgan Two Investigation, saying that he had agreed only to appear on the proposed *Crimewatch* programme. In an interview with the Panel, he said '*I was only supposed to be involved in it for a maximum of two weeks. We were asked to create a small team, so that we could actually go out, in addition to* Crimewatch*, to act as triggers for the investigation, and after two weeks that would be the end of the matter.*'[61] In the 2006 Report to the Metropolitan Police Authority, DCS David Cook (the author of the 2006 Report) was stated to have been appointed as the Senior Investigating Officer of the Abelard One/Morgan Two Investigation:[62] '*It was initially intended that the Murder Command would support a covert investigation led by the Directorate of Professional Standards. However, this strategy was changed which gave primacy to* [DCS David Cook]*, supported by the* [Directorate of Professional Standards].'[63]

32. It is clear from the material available that in May 2002 DCS David Cook was appointed not as 'nominal' Senior Investigating Officer but as the actual Senior Investigating Officer for the overt investigation. Former DCS Cook told the Panel in interview that the covert Abelard One Investigation stopped after two weeks*, 'and then the anti-corruption command went away and started looking at how they could resurrect it in the future* […] *They then asked us if we would continue on with their investigation at that time.* […] *So, we went from having a two-week involvement, which should have ended really after my day on* Crimewatch*, to getting dragged into this thing. The anti-corruption command were very protective of their intelligence and evidence, it was their operation, you know? I was the pseudo SIO* [Senior Investigating Officer]*, doing everything in conjunction, or at the direction of the anti-corruption command, until really the second phase of the operation.*' He later said, '*I was asked to run the overt phase of the investigation, and that covert phase was only to last two weeks.*'[64]

33. Former DCS David Cook also told the Panel in interview that he did not become responsible until phase two started. When asked when that was, he responded, '*September, October? Towards the end of September, October, 14th September, something like that, onwards*.'[65] He said that even at this point he was not entirely in charge and that T/D/Supt David Zinzan was actively involved in the discussions throughout.[66]

34. The evidence which is available does not support former DCS David Cook's assertion that he was only to be involved for two weeks. Nor does it support the assertion that he did everything at the direction of the Anti-Corruption Command until September/October 2002. In a report to Commander David Armond dated 12 November 2002, DCS Cook wrote, '*I was briefed up on the proposed plan and after further discussions with the Gold Group it was agreed that my role would be extended to take responsibility for the actual re-investigation, whilst DPS* [Directorate of Professional Standards] *supported me through the deployment of covert evidence gathering facilities.*'[67]

61 Panel interview of former DCS David Cook, Transcript 1, p7 ,25 August 2020.
62 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p205, para 270, 07 April 2006.
63 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p205, para 271, 07 April 2006.
64 Panel interview of former DCS David Cook, Transcript 1, p9, 25 August 2020.
65 Panel Interview of former DCS David Cook, Transcript 1, p10, 25 August 2020.
66 Panel interview of former DCS David Cook, Transcript 1, p11, 25 August 2020.
67 Report by DCS David Cook to Commander David Armond, EDN001095001, p3, 12 November 2002.

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35. The two Senior Investigating Officers of the parallel covert and overt investigations worked closely together. This arrangement continued until late July 2002 when T/D/Supt David Zinzan had to take special leave until October 2002 when he returned to work on the Abelard Investigation.[68] During his absence D/Supt Mick Taylor took command of the covert investigation.[69] At a meeting with the family of Daniel Morgan in November 2002, the family were told that T/D/Supt Zinzan was resuming control over the covert investigation, and that DCS David Cook headed the overt investigation and was the overall Senior Investigating Officer into the murder.[70]

36. On 23 May 2002, a meeting was held between the Directorate of Professional Standards and the Serious Crime Group, the two departments from which the covert and overt teams were drawn, attended by T/D/Supt David Zinzan, DS Richard Oliver, DCS David Cook and A/DCI Neil Hibberd.[71] It was agreed that the covert team, which had by now been in existence for 15 months and was thus familiar with some of the background papers, would make an assessment of all of the 2000 Murder Review Report recommendations and provide DCS Cook with an indication as to which should be prioritised. It was also decided that all documentation and exhibits, which had been provided to the Directorate of Professional Standards team from the 2000 Murder Review Group, would be transferred to the Serious Crime Group.[72]

37. A major part of the work was the implementation of the 83 recommendations for further investigation made in the 2000 Murder Review Report.[73] A minority of the recommendations, including those relating to the surveillance of key suspects, were dealt with by the Abelard One Investigation initially.[74,75,76,77,78,79,80,81] Others were dealt with by the Morgan Two Investigation,[82] which also had responsibility for pursuing lines of enquiry generated by a *Crimewatch* appeal, and other triggers agreed with the covert investigation.[83,84]

38. There is no evidence in the material available that the covert side of the investigation provided the overt side of the investigation with an indication as to which of the Murder Review Report recommendations were priorities, as had been agreed on 23 May 2002.

68 Panel interview with former T/D/Supt David Zinzan, p11, 15 March 2016.
69 Notes of meeting, MPS040546001, p1, 06 August 2002.
70 Notes of family liaison meeting, MPS046659001, 12 November 2002.
71 Notes of meeting, MPS042623001, p2, 23 May 2002.
72 Notes of meeting, MPS042623001, p2, 23 May 2002.
73 Decision log, MPS040527001, p5, 02 April 2001.
74 SIO sensitive decision log, MPS072551001, p5, 17 June 2002.
75 Action A1, *'Research Glen [sic] VIAN. This is to include obtaining all intelligence reports held and undertaking surveillance to ascertain current lifestyle & associates'*, MPS040861001, 05 April 2001.
76 Action A2, *'Research Gary [sic] VIAN. This is to include obtaining all intelligence reports held and undertaking surveillance to ascertain current lifestyle & associates'*, MPS040862001, 05 April 2001.
77 Actions A3, *'Research* [Person *P9*]*. This is to include obtaining all intelligence reports held and undertaking surveillance to ascertain current lifestyle & associates'*, MPS040864001, 05 April 2001.
78 Action A4, *'Research Sidney FILLERY. This is to include obtaining all intelligence reports held & undertaking surveillance to ascertain current lifestyle & associates'*, MPS040865001, 05 April 2001.
79 Action A5, *'Research James COOK. This is to include obtaining all intelligence reports held & undertaking surveillance to ascertain current lifestyle & associates'*, MPS040866001, 05 April 2001.
80 Action A6, *'Research current situation of William Jonathan REES in Prison. Obtain details of visitors, frequency'*, MPS040867001, 05 April 2001.
81 Action A7, *'Conduct Intelligence Assessment of Sharon REES & Identify current relationship with William Jonathan REES'*, MPS040868001, 05 April 2001.
82 2000 Murder Review Report, '*Summary of Recommendations*', MPS061189001, pp3-20, 06 October 2000.
83 '*Briefing document Operation Abelard*', MPS060441001, pp1-3, 15 May 2002.
84 Decision log, MPS072551001, pp3-4, 05 July 2002.

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39. In addition to the Senior Investigating Officer and the Deputy Senior Investigating Officer, the Morgan Two Investigation initially comprised ten officers. Four of these officers formed the outside enquiry team,[85] and a team of six was based in the Major Incident Room.[86] The investigation was based in Hendon and all the officers working on it were from North London, in accordance with the 2000 Murder Review suggestion that the reinvestigation should comprise officers drawn '*from outwith the South East London area*'.[87,88,89]

40. A decision was made on 23 May 2002 that DCS David Cook and/or A/DCI Neil Hibberd (the Senior and Deputy Senior Investigating Officers for the Morgan Two Investigation) would hold daily briefings with T/D/Supt David Zinzan (the Senior Investigating Officer for the Abelard One Investigation), to discuss operational developments, tactics and opportunities.[90] Former T/D/Supt Zinzan told the Panel that before the Morgan Two Investigation made arrests, they would meet in another location to ensure confidentiality.[91]

41. Officers working on the overt investigation were not informed of the existence of the covert investigation, and information resulting from the covert investigation was supplied on a need-to-know basis, as is normal in such circumstances.[92] This reflected an awareness, expressed by former T/D/Supt David Zinzan, of the potential risk of corruption and the importance of carrying out a secure and independent investigation.[93]

42. The investigative history of Daniel Morgan's murder and the potential for police corruption to compromise the effectiveness of the investigation made it imperative that the covert side of the reinvestigation be kept secret and this in turn made it sensible, and indeed good practice, that there be two arms, one covert and one overt. The decision to have two Senior Investigating Officers was a positive one. The evidence suggests that there was effective communication between the two Senior Investigating Officers, DCS David Cook and T/D/Supt David Zinzan.

5.1 Information from witnesses

5.1.1 Person F11

43. Person F11 had made a statement on 22 January 1999, the content of which contributed to the decision to reinvestigate Daniel Morgan's murder.[94,95] In his statement, he had alleged that he had been told that Jonathan Rees had commissioned the murder; that '*Glen VINES* [sic]' committed it by striking the victim in the head with an axe; that James Cook was the

85 SIO sensitive decision log, MPS072551001, p3, 23 May 2002.
86 '*Indexing Policy File*', MPS061184001, p2, 13 June 2002.
87 2000 Murder Review Report, MPS020525001, p82, para 10.8, 06 October 2000.
88 Minutes of meeting, MPS053339001, p1, 31 May 2002.
89 Email from DCS Shaun Sawyer to DAC Andrew Hayman, MPS054551001, p2, 19 April 2002.
90 SIO sensitive decision log, Decision taken on 23 May 2002, by A/DCI Neil Hibberd, MPS072551001, p4, 05 July 2002.
91 Panel interview with former T/D/Supt David Zinzan, p14, 15 March 2016.
92 SIO sensitive decision log, MPS072551001, pp4-5, 05 July 2002.
93 Panel interview with former T/D/Supt David Zinzan, pp2 and 5, 23 May 2018.
94 Witness statement of Person F11, MPS046816001, 22 January 1999.
95 Person F11's risk assessment, MPS049793001, p2, 29 May 2002.

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driver; and that Person P9 had stored the car in a garage prior to the car being destroyed.[96] This information was later construed by DCS David Cook as corroborating Kevin Lennon's statement that Jonathan Rees had been involved in arranging the murder of Daniel Morgan.[97]

44. The 2000 Murder Review Report had recommended that Person F11 be re-interviewed.[98] A meeting with him took place on 20 September 2001.[99] At this time, as stated in DCS David Cook's advice file to the Crown Prosecution Service, Person F11 was in prison for having solicited the murder of James Cook.[100] A note of the meeting of 20 September 2001 records that Person F11 wanted his statement concerning the murder to be '*retracted legally*' and that he '*was forced and put under duress to sign* [the statement]'.[101] He also talked of his concerns that he would become a target for James Cook if he gave evidence against him. He stated '[t]*he only person likely to cause me harm is* [James] *Cook*'.[102] This was not the first time that Person F11 had claimed that he had been put under duress to sign his statement or that he was concerned about being a target for James Cook. He had made similar claims in December 1999[103] and declared that he would never give evidence at any Daniel Morgan murder trial (see Chapter 4, Operation Nigeria/Two Bridges). The fact that Person F11 stated he was put under duress to sign his statement was later disputed by the original debriefing officer (see Chapter 8, The Abelard Two Investigation).[104]

45. A risk assessment was carried out on Person F11 in May 2002.[105] This document stated how important Person F11 was to the Abelard One/Morgan Two investigation, as it asserted that '[t]*he Intelligence supplied by* [Person F11] *forms the fundamental basis for operation "ABELARD"*'.[106] This risk assessment recognised that Person F11 had retracted his statement in relation to the murder of Daniel Morgan because he said that he had been coerced, but also noted that Person F11 had not claimed that the evidence he had given was wrong or inaccurate.[107]

46. On 01 June 2002, DS Richard Oliver visited Person F11 in prison, and it was recorded that he was '*unwilling to assist due to safety of self and family*'.[108]

47. On 25 June 2002, DCS David Cook and A/DCI Neil Hibberd had a meeting with Person F11, who had recently been released from prison, at a covert location. The note of this meeting recorded, '[i]*t was explained that we had requested the meeting in order to explore a number of issues and conduct a risk assessment in light of the fact that a Crimewatch appeal would be broadcast on Wednesday 26th June 2002*.'[109] The note also recorded that:

96 Witness statement of Person F11, MPS046816001, p2, 22 January 1999.
97 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp124-125, 07 March 2003.
98 2000 Murder Review Report, MPS020525001, p37, para 6.9.35, 06 October 2000.
99 Minutes of meeting at HMP Codingley with Person F11, MPS049613001, pp2-10, 20 September 2001.
100 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp13-14, 07 March 2003.
101 Minutes of meeting at HMP Codingley with Person F11, MPS049613001, p6, 20 September 2001.
102 Minutes of meeting at HMP Codingley with Person F11, MPS049613001, p6, 20 September 2001.
103 Letters from Person F11 to the Prison Service and his solicitor, MPS071585001, pp6-10, between 22 December 2000 and 16 January 2001.
104 In February 2008 during the following investigation the officer in charge of the original debrief process was asked to give a statement regarding the allegation that Person F11 had signed his statement under duress. D/Supt Roger Critchell stated that '[h]*e never made this allegation to me nor did he state that it was untrue or wrong in detail. In addition during this period he never made any adverse comments in respect of his debrief officers'*. See witness statement of D/Supt Roger Critchell, MPS078973001, p3, 26 February 2008.
105 Person F11's risk assessment, MPS049793001, 29 May 2002.
106 Person F11's risk assessment, MPS049793001, p2, 29 May 2002.
107 Person F11's risk assessment, MPS049793001, p2, 29 May 2002.
108 Action A160, *'Visit* [Person F11] *in prison to establish whether he is willing to give evidence or provide additional intelligence in relation to the murder of Daniel MORGAN'*, MPS040445001, 01 June 2002.
109 Intelligence report, MPS048674001, p1, 26 June 2002.

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'[Person F11] *immediately stated that he did not want to get involved and would not give evidence against those individuals referred to in his statement to officers from the Anti-Corruption Group (CIB(3)).*

'[…]*Despite his unwillingness to give evidence of this statement he confirmed that its content was correct and that Glen* [sic] *VIAN was a dangerous individual who was responsible for the murder.*

'[…]*He added that no form of incentive would cause him to attend court and give evidence against VIAN et al. Indeed,* [Person F11] *stated that he would attend court and allege that he was forced to sign the statement, claiming that whilst being de-briefed by CIB(3) he had tape recorded a conversation with one of the officers alluding to this.*'[110]

48. Despite making clear his position in June 2002, Person F11 did have further contact with the Abelard One/Morgan Two Investigation team. On 23 July 2002, Person F11 telephoned DCS David Cook, and said that Person P9 had mentioned that on the night of Daniel Morgan's murder he was supposed to be having a meal with James Cook at a public house. However, when James Cook turned up, he did not want to eat anything, he looked pale and just wanted to leave the area.[111]

49. On 03 October 2002 DCS David Cook reported a conversation he had had with Person F11 during which Person F11 provided information in confidence that he had been told by Person P9 that '*the vehicle Cook and Vian used for the murder was a green VW Golf*'.[112] DCS Cook told Person F11 that the police had already received that information from Person P9.[113]

50. DCS David Cook recorded that Person F11 had contacted him on 04 October 2002 and said that he had spoken to Person P9 and told him that many people would support him if he made a statement, as James Cook was '*not well liked*'.[114] He also recorded that Person F11 had said that Person P9 had told him that James Cook and Glenn Vian had been paid £3,000 each by Jonathan Rees to murder Daniel Morgan.[115]

5.1.2 Kevin Lennon

51. In September 1987, Kevin Lennon (a former bookkeeper at Southern Investigations)[116] had provided information in a second statement to the Morgan One Investigation that, among other things, Jonathan Rees had asked him to arrange for Daniel Morgan to be murdered, and that Jonathan Rees had subsequently told him that he would get police officers from Catford Police Station to arrange or carry out the murder for £1,000 (see Chapter 1, The Morgan One Investigation). Kevin Lennon had also said that DS Sidney Fillery would become Jonathan Rees's business partner after the murder.[117] Kevin Lennon had not approached the police

110 Intelligence report, MPS048674001, p1, 26 June 2002.
111 Telephone call from Person F11 to DCS David Cook, MPS059917001, p1, 23 July 2002.
112 Intelligence report by DCS David Cook, MPS061354001, p3, 03 October 2002.
113 Intelligence report by DCS David Cook, MPS061355001, p3, 04 October 2002.
114 Intelligence report by DCS David Cook, MPS061356001, p3, 04 October 2002.
115 Intelligence report by DCS David Cook, MPS061356001, p3, 04 October 2002.
116 Witness statement of Kevin Lennon, MPS038987001, pp1 and 3, 02 December 1987.
117 Witness statement of Kevin Lennon, MPS010520001, pp3-4, 04 September 1987.

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voluntarily, but had been recorded saying these things to former DCI Laurence Bucknole.[118,119] When the recording had been played to Kevin Lennon on 21 August 1987, he had agreed that he had said these things.[120,121]

52. Kevin Lennon had appeared as a witness at the Inquest in April 1988[122] and had later been interviewed by DCS Alan Wheeler and DCI Paul Blaker.[123,124] In DCS Wheeler's second report concerning Kevin Lennon, he commented that Kevin Lennon added more detail than was in his earlier statements. This included disclosing that:

> *'he approached an unnamed man regarding the murder proposition put to him by REES and this man recruited another called "John". A meeting was arranged for April, 1986 in a public house between he* [sic]*, the two men and REES to arrange the murder. REES would have to supply £3,000 in advance but it was the intention of the men that REES would be "ripped off" and all three would receive £1,000 each. In any event REES did not attend.'*[125]

53. DCS Alan Wheeler's report concluded that after further investigation, Kevin Lennon's statements could not be corroborated.[126] DCS Wheeler's and DCI Paul Blaker's recollections are further explored in Chapter 3.

54. The 2000 Murder Review Report had concluded that in September 1987, when Kevin Lennon provided his second statement, he '*must have appreciated that if* [he] *gave useful information to the Investigation Team, a text may be offered to him at his forthcoming trial*'.[127] (A text in this context was information provided by police to a judge stating that a defendant had assisted them in a police investigation). Such a document was provided to the judge hearing the case against Kevin Lennon and he received a reduced sentence.[128] The report recommended that '*no action be taken to interview LENNON at this stage*'.[129] Notwithstanding this, the Abelard One/Morgan Two Investigation team decided to '[v]*isit Kevin LENNON* […] *and get him to re-adopt his previous* [witness statements] *and obtain any further info known regarding the murder of Daniel MORGAN*'.[130]

55. On 28 June 2002**,** Kevin Lennon provided a witness statement to the Abelard One/Morgan Two Investigation. He stated, '[f]*urther to earlier statements that I have made to Police concerning the death of Daniel MORGAN, I stand by what I said, I am still willing to go to court and give evidence*'.[131]

118 Witness statement of D/Supt Douglas Campbell, MPS010915001, pp8-9, 03 July 1989.
119 Transcript of taped conversation between Kevin Lennon and former DCI Laurence Bucknole, MPS011407001, 28 July 1987.
120 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p52, 07 March 2003.
121 Witness statement of DI Allan Jones, MPS005291001, p5, 20 July 1989.
122 Witness Kevin Lennon, examined by the Coroner and Counsel, INT000001001, pp15-42, Inquest Day One, 11 April 1988.
123 Report R4 of DCS Alan Wheeler regarding interview of Kevin Lennon on 28 July 1988, MPS022480001, 02 August 1988.
124 Report R4C of DCS Alan Wheeler regarding interview of Kevin Lennon on 01 September 1988, MPS022884001, 01 September 1988.
125 Final Report by DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, p31, 04 September 1989.
126 Final Report by DCS Alan Wheeler to the Police Complaints Authority, MPS060685001, pp27-32, 04 September 1989.
127 2000 Murder Review Report, MPS020525001, p27, para 6.7.28, 6 October 2000.
128 2000 Murder Review Report, MPS020525001, p27, para 6.7.28, 06 October 2000.
129 2000 Murder Review Report, MPS020525001, p28, para 6.7.33, 06 October 2000.
130 Action A95, '*Visit Kevin LENNON N8 and get him to re-adopt his previous MG11s and obtain any further info known regarding the murder of Daniel MORGAN*', MPS059503001, 24 June 2002.
131 Witness statement of Kevin Lennon, MPS062383001, 28 June 2002.

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56. On 17 February 2003, two Detective Constables visited Kevin Lennon to explore whether he had been approached by former DS Alec Leighton,[132] and, to ask him to identify the two people about whom he had told the Hampshire/Police Complaints Authority (see paragraph 52 above), who were going to meet Jonathan Rees and Kevin Lennon at a public house.[133] Kevin Lennon did not disclose the identities of the two people. The report from the meeting stated that:

> *'*[o]*verall Lennon did not come across as a particularly credible witness. He appeared to be guarded with his answers to our questions being both vague and evasive. Ultimately he was unwilling to substantiate anything additional he said on this occasion in the form of a witness statement.'*[134]

57. A/DCI Neil Hibberd and a Detective Constable visited Kevin Lennon again on 07 May 2003 to try and obtain a statement concerning the identities of the two men who, he had said, were to meet Jonathan Rees in a public house. Kevin Lennon stated that even though he knew the identity of the two people, he would not name them and that he would not make a statement about the issue.[135]

5.2 Targets for surveillance

58. The 2000 Murder Review Report had identified the need to investigate further Glenn Vian, Garry Vian, Person P9, James Cook and former DS Sidney Fillery.[136] DCI David Zinzan decided on 04 April 2001 '*to undertake a covert proactive operation to identify lifestyles, associates and current criminal activ*ity' of those five individuals.'[137] It was decided on 05 April 2001 to research the five individuals, in order to obtain '*all intelligence reports held*' and to undertake '*surveillance to ascertain current lifestyle & associates*'.[138,139,140,141,142]

59. The 2000 Murder Review Report had also identified Jonathan Rees as the '*key suspect*' and recommended he should be placed under covert monitoring.[143] Surveillance of Jonathan Rees could not be undertaken because he was in prison following his conviction for perverting the course of justice in December 1999.[144,145]

132 On 18 August 1999, during Operation Two Bridges, Jonathan Rees and former DS Alec Leighton had been heard conspiring to offer £2000 to Kevin Lennon to say in forthcoming civil proceedings that he had been put under pressure by the police to change his account.
133 Action A388, *'Visit LENNON to cover: (a) Any approach he may have had from Alec LEIGHTON regarding his evidence, (b) The identity of the two people / contract killers that they were going to meet at the pub..'*, MPS059827001, pp1 and 5, 12 February 2003.
134 Action A388, MPS059827001, pp1 and 5, returned 19 February 2003.
135 Action A409, *'Re-visit LENNON and obtain a statement covering the following: Who were the two men he arranged to meet in the pub that would be introduced to REES re the murder conspiracy'*, MPS059851001, p1, 30 April 2003.
136 2000 Murder Review Report, MPS020525001, pp49, 83-84 and 89, 06 October 2000.
137 Decision log, MPS040527001, p12, 04 April 2001.
138 Action A1, *'Research Glen [sic] VIAN. This is to include obtaining all intelligence reports held and undertaking surveillance to ascertain current lifestyle & associates'*, MPS040861001, 05 April 2001.
139 Action A2, *'Research Gary [sic] VIAN. This is to include obtaining all intelligence reports held and undertaking surveillance to ascertain current lifestyle & associates'*, MPS040862001, 05 April 2001.
140 Action A3, *'Research* [Person P9]*. This is to include obtaining all intelligence reports held and undertaking surveillance to ascertain current lifestyle & associates'*, MPS040863001, 05 April 2001.
141 Action A5, *'Research James COOK. This is to include obtaining all intelligence reports held & undertaking surveillance to ascertain current lifestyle & associates'*, MPS040866001, 05 April 2001.
142 Action A4, *'Research Sidney FILLERY. This is to include obtaining all intelligence reports held & undertaking surveillance to ascertain current lifestyle & associates'*, MPS040865001, 05 April 2001.
143 The 2000 Murder Review Report, MPS020525001, pp29-30, 06 October 2000.
144 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p76, 07 March 2003.
145 Police National Computer print out in respect of Jonathan Rees, MPS004001001, p3, 14 July 2009.

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60. The 2000 Murder Review Report also recommended the covert monitoring of Glenn Vian and Garry Vian.[146] It concluded:

> *'It is clear that Glen* [sic] *and Gary* [sic] *VIAN hold information regarding the events around the murder of Daniel MORGAN. They were both regarded as suspects during the original Metropolitan Police enquiry. In recent intelligence reports Glen* [sic] *VIAN has been named as the killer. The Review Group consider Glen [sic] and Gary* [sic] *VIAN to be worthy* [sic] *covert targeting to identify their current criminal activities, and that of their associates, to obtain levers that could be used to gain evidence against the killer/s of MORGAN.'*[147]

61. The 2000 Murder Review Report made no specific recommendations to covertly monitor Person P9, James Cook or former DS Sidney Fillery. However, they were considered by the Abelard One/Morgan Two Investigation to be justifiable targets for covert surveillance as detailed below:

i. In relation to former DS Fillery, the Murder Review Report stated that because '*there is clearly the potential of compromise to the Metropolitan Police Service*'[148] his work, carried out while a member of the Morgan One Investigation, should be reviewed. Alastair Morgan and Isobel Hülsmann were determined that this should happen (see Chapter 12, The Treatment of the Family). However, former DS Fillery was not described in the report as a suspect, nor was it recommended that he should be placed under surveillance (see Chapter 5, The 2000 Murder Review).[149] The Abelard One/Morgan Two Investigation nevertheless decided to place him under surveillance '*to provide up to date intelligence relating to criminal associates and evidence relating to the murder*'.[150]

ii. Person P9 was identified within the Murder Review Report as an individual who needed to be '*traced and interviewed regarding his knowledge of the murder*'.[151] The Abelard One/Morgan Two Investigation decided to place him under surveillance also, '*to establish his current association with other criminal associates and evidence/ intelligence in relation to the murder investigation*'.[152]

iii. The Murder Review Report recommended that '*full analysis of the movements and contacts of* [James] *COOK at the time be undertaken*'.[153] The Abelard One/Morgan Two Investigation decided to place him under surveillance to '*provide up to date intelligence relating to criminal associates and evidence relating to the murder*'.[154]

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146 2000 Murder Review Report, MPS020525001, p14, 06 October 2000.
147 2000 Murder Review Report, MPS020525001, p14, 06 October 2000.
148 2000 Murder Review Report, MPS020525001, p49, 06 October 2000.
149 2000 Murder Review Report, MPS020525001, pp3-92, 06 October 2000.
150 '*Surveillance Team briefing Package*', MPS054083001, p9, 22 August 2001.
151 2000 Murder Review Report, MPS020525001, p84, 06 October 2000.
152 '*Briefing Sheet Surveillance Team*', MPS047979001, p12, 11 July 2001.
153 2000 Murder Review Report, MPS020525001, p38, 06 October 2000.
154 Briefing package, James Cook, MPS053608001, p8, undated.

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62. DCI David Zinzan had determined that '[u]*p to date intelligence will assist in determining the best way forward for a proactive enquiry*'.[155] Assessments were made of telephone bills to identify any association between the suspects.[156,157,158,159,160,161,162,163,164,165] Financial enquiries were made regarding Glenn Vian, Person P9 and James Cook.[166] At a later date, the Abelard One Morgan/Two Investigation also carried out checks on the Police National Computer for James Cook, former DS Sidney Fillery, Person P9 and Glenn Vian.[167] Aerial photographs were also taken of the home addresses of Person P9, James Cook, DS Fillery and Glenn Vian.[168]

5.3 Lifestyle surveillance

63. Lifestyle surveillance (recording of the movements, contacts and activities) of a suspect is often the first part of establishing what, if any, further and often more intrusive covert surveillance is required.

64. Assistance was provided to the covert side of the Abelard One/Morgan Two Investigation by an Operational Support team and by the surveillance team from the Anti-Corruption Group.[169,170]

65. Initial lifestyle surveillance at Glenn Vian's home address was conducted between April 2001 and early May 2001.[171] Similar observations commenced at the home of Person P9 in June 2001,[172] at the home of former DS Sidney Fillery in August 2001,[173] and at the home of James Cook in October 2001.[174]

66. DCI David Zinzan reported in October 2001 that surveillance of the subjects had not revealed any contact between them, other than that former DS Sidney Fillery had visited Jonathan Rees in prison.[175] DCI Zinzan noted also that '[w]*e know that SF* [Sidney Fillery] *considers himself to be one of our Commands* [sic] *most wanted subjects and under constant monitoring. We know that he has knowledge of anti-surveillance techniques. He has utilised this knowledge whilst under surveillance.*'[176]

155 Decision log, MPS040527001, p12, 04 April 2001.
156 Intelligence report in respect of a list of frequent calls made by Glenn Vian and Person P9 (last page apparently missing), MPS040566001, 04 May 2001.
157 Action A14, '*Obtain all relevant billing for Glen* [sic] *VIAN',* MPS040336001, 14 May 2001.
158 Action A34, '*Research Billing obtained for 02086514140 re Glen* [sic] *VIAN for most frequently called numbers and submit same for subscribers* [sic] *checks'*, MPS040354001, 14 May 2001.
159 Phone billing, Garry Vian, MPS053455001, 23 April to 12 June 2001.
160 Action A15, '*Obtain all relevant Billing from* [Person P9]', MPS040337001, 14 May 2001.
161 Action A33, '*Research Billing obtained for 02086680317 re* [Person P9]*, for most frequently called numbers and submit same for subscribers* [sic] *checks.'* MPS040355001, 14 May 2001.
162 Action A55, '*Obtain Billing for Sidney Fillery for last 3 months'*, MPS040369001,13 June 2001.
163 Phone billing, former DS Sidney Fillery, MPS042544001, 20 April to 22 June 2001.
164 Action A56, '*Obtain billing for COOK for last 3 months'*, MPS040370001, 13 June 2001.
165 Phone billing, James Cook, MPS042543001, 20 April to 22 June 2001.
166 Minutes of office meeting, MPS040532001, p2, 08 May 2001.
167 Action A122, MPS040986001, p1, 23 February 2002.
168 Action A167, '*Arrange for aerial photographs of the homes of the VIAN,* [Person P9]*, COOK and FILLERY'*, MPS041032001, p1, allocated 01 June 2002.
169 Briefing pack of former DS Sidney Fillery, MPS054083001, p9, 22 August 2001.
170 Minutes of office meeting, MPS040530001, p5, 23 April 2001.
171 Briefing pack of Glenn Vian, MPS053349001, pp4-5, 15 May 2001.
172 '*Briefing sheet* – [Person P9] *surveillance commencing 11.7.01*,' MPS046705001, pp19-20, 11 July 2001.
173 Briefing pack of former DS Sidney Fillery, MPS054083001, p8, 22 August 2001.
174 Briefing pack of James Cook, MPS053608001, pp5-6, 23 October to 05 November 2001.
175 Minutes of meeting with Isobel Hülsmann and Jane Morgan, MPS054195001, pp1 and 3, 10 October 2001.
176 Minutes of meeting with Isobel Hülsmann and Jane Morgan, MPS054195001, p3, 10 October 2001.

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67. The intelligence available was credible, and appropriate decisions were made to conduct surveillance at this time. Although former DS Sidney Fillery was not mentioned as a suspect in the 2000 Murder Review, it was justified and proportionate that he was subjected to covert surveillance since he was '*suspected of being involved, if not actually being concerned in the event, it was thought that he passed information to REES during the early stages of the enquiry,*[177] *enabling him to keep ahead of the investigation*'.[178]

5.4 The installation of probes (surveillance equipment)

68. In 2001, surveillance equipment was installed in Glenn Vian's home address. Similar equipment was subsequently installed in Person P9's home and James Cook's car.[179,180] Attempts to deploy such equipment in former DS Sidney Fillery's home were unsuccessful, in part due to his awareness of surveillance techniques and his suspicion that such techniques might be used against him.[181,182]

5.5 Preparation of 'triggers'

69. During the long period of lifestyle surveillance on the suspects, preparatory work was undertaken designing 'triggers' which might prompt the key targets to discuss matters or make defensive moves.[183]

70. At a meeting on 05 June 2001, DCI David Zinzan had discussed whether there was any '*possible way forwards*' which might be used to prompt the key targets to discuss matters relating to Daniel Morgan's murder. He had proposed a feature on BBC's *Crimewatch* programme, which would include the announcement of a £50,000 reward for information about the murder. If this proved to be unsuccessful, he proposed a further trigger in the form of reporting a breakthrough regarding fingerprint evidence.[184]

71. On 03 July 2001, DCI David Zinzan wrote to DAC Andrew Hayman, through DCS Shaun Sawyer, requesting the authorisation of a reward of £50,000 for anyone who had information leading to the arrest and conviction of the murderer of Daniel Morgan. He wrote that '[t]*his investigation has been dogged by allegations of corruption and wrongdoing and I am sure an announcement of a £50,000 reward will demonstrate our commitment to solve this brutal murder*'.[185] DCS Sawyer and DAC Hayman submitted DCI Zinzan's report to Commander Roger Pearce, together with an endorsement of the request from DCS Sawyer and a statement of support from DAC Hayman.[186,187]

177 The Panel understands this to refer to former DS Sidney Fillery's involvement in the Morgan One Investigation.
178 Report by DS Richard Oliver, MPS053364001, p5, 02 May 2001.
179 Minutes of meeting, MPS042608001, p2, 06 February 2002.
180 '*Operation Abelard Briefing Note*', MPS049823001, p1, 09 July 2002.
181 '*Operation Abelard Briefing Note*', MPS049823001, p1, 09 July 2002.
182 Minutes of meeting with Isobel Hülsmann and Jane Morgan, MPS054195001, p3, 10 October 2001.
183 Report by DCI David Zinzan to DAC Andrew Hayman, MPS042516001, p10, 03 July 2001.
184 *'Op Abelard Office Meeting 05/06/01',* MPS040535001, p1, 05 June 2001.
185 Report by DCI David Zinzan to DAC Andrew Hayman, MPS042516001, p11, 03 July 2001.
186 Minute from DCS Shaun Sawyer to Commander Roger Pearce, MPS042516001, p12, 09 July 2001.
187 Minute from DAC Andrew Hayman to Commander Roger Pearce, MPS042516001, p13, 17 July 2001.

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72. In late July 2001, DCI David Zinzan informed Alastair Morgan that DAC Andrew Hayman had authorised a reward of £50,000 which, subject to final clearance by Commander Roger Pearce, would be announced by the investigation during the proposed *Crimewatch* appeal.[188]

73. On 03 August 2001, the request for a £50,000 reward was rejected by Commander Roger Pearce. He determined that a reward of £10,000 could be made available, explaining that '[w]*hilst I am naturally anxious to assist this enquiry, the absence of any more compelling reason other than "staleness" of the offence and family dissatisfaction with the investigation does not merit a sum exceeding £10,000 in this case*'. He did, however, suggest that, '[g]*iven the suggestion of corruption* [...]*, DPS* [Department of Professional Standards] *may wish to augment this amount in order to achieve the desired aim of creating evidential opportunities*'.[189]

74. On 24 August 2001, DCI David Zinzan wrote again to DAC Andrew Hayman, this time requesting a £20,000 reward.[190]

75. The reward was not discussed again until 15 April 2002, when a conference took place between Orlando Pownall QC, Counsel to the Crown Prosecution Service, two representatives from the Crown Prosecution Service, T/D/Supt David Zinzan and DS Richard Oliver, to discuss the proposed strategies for the new investigation.[191,192] Orlando Pownall QC commented, in his written opinion of 02 May 2002, that:

> *'although I am not invited to comment upon the proposed level of reward, I am bound to observe that in the current climate, a reward of £10,000 might be considered by the suspects and the public at large as derisory and unlikely to provoke a response. I am aware of the fact that much larger rewards have been offered in other unsolved murder investigations.'*[193]

76. At a meeting on 23 April 2002 between T/D/Supt David Zinzan, Isobel Hülsmann, Alastair Morgan and their solicitor, it was noted that both Isobel Hülsmann and Alastair Morgan had '*expressed disgust at the "insulting" level set for the reward*'.[194] Following this meeting, T/D/Supt Zinzan made a further request on 02 May 2002 for the sum of £10,000 to be reviewed.[195] On 16 May 2002, Commander Roger Pearce authorised a reward of £25,000,[196] and following further representations by T/D/Supt Zinzan the figure was increased to £50,000[197] on 17 June 2002.[198]

77. The reward of £50,000 was entirely appropriate, given the circumstances surrounding the murder, the concerns about possible police involvement and the allegations of police corruption. T/D/Supt David Zinzan's perseverance, in pressing for nearly a year for a reward at this level, was commendable.

188 '*Minutes of meeting with Alastair MORGAN*', MPS054194001, p1, 26 July 2001.
189 Minute from Commander Roger Pearce to DAC Andy Hayman, MPS042516001, p16, 03 August 2001.
190 Minute from DCI David Zinzan to DAC Andy Hayman, MPS042516001, p18, 24 August 2001.
191 '*Notes of meeting 2 Hare Court*', MPS047325001, 15 April 2002.
192 T/D/Supt David Zinzan request to review reward offer, MPS042516001, pp22-23, 02 May 2002.
193 Advice by Orlando Pownall QC, MPS042516001, p32, para 18, 02 May 2002.
194 Report from T/D/Supt David Zinzan to Cmdr Roger Pearce, MPS042516001, p23, 02 May 2002.
195 Report from T/D/Supt David Zinzan to Commander Roger Pearce, MPS042516001, p20, pp22-23, 02 May 2002.
196 Minute from Cmdr Roger Pearce to DAC Andrew Hayman, MPS042516001, p26, 16 May 2002.
197 Minute from T/D/Supt David Zinzan to Cmdr Roger Pearce, MPS042516001, p28, 17 June 2002.
198 Minute from Cmdr Roger Pearce to T/D/Supt David Zinzan, MPS042516001, p29, 18 June 2002.

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6 The 2002 *Crimewatch* appeal

78. As stated above, DCI David Zinzan had earlier proposed, on 05 June 2001, that an appeal on the BBC *Crimewatch* programme could be a useful event to trigger conversation and actions by those suspected of the murder of Daniel Morgan, which could then be covertly monitored.[199] At a management meeting on 06 February 2002, it was agreed that an approach be made to *Crimewatch* regarding an appeal to be broadcast later in the year.[200] An update from that meeting stated '*Crimewatch met and agreement to assist obtained. Date scheduled for programme is 26th June 2002. Further liaison to continue re content*.'[201]

79. On 06 March 2002, DCI David Zinzan and DS Richard Oliver met a representative from the Crown Prosecution Service and discussed the use of trigger events.[202] The representative wrote to DCI Zinzan on 07 March 2002 reporting that he had instructed Orlando Pownall QC to advise on the questions arising from the proposed investigative strategy.[203]

80. On 25 March 2002, DCI David Zinzan reported that '[t]*he main trigger event will be the BBC "Crimewatch" programme which is scheduled to be broadcast on Wednesday 26th June 2002. Exact details of its content have not yet been finalised. The BBC has asked that I re-approach them in early May to discuss this aspect*.'[204]

81. There was detailed discussion and consultation, both before[205] and after the formation of the Gold Group.[206] On 15 April 2002, a conference took place between Orlando Pownall QC, two representatives from the Crown Prosecution Service, T/D/Supt David Zinzan and DS Richard Oliver at which proposed strategies were discussed, and the importance of providing a sufficient trigger or triggers during the programme to generate discussion among the suspects as well as information from the general public was emphasised. It was agreed that the triggers devised should comply with legal and ethical requirements of the BBC and the Metropolitan Police and should not mislead *Crimewatch* (the programme) and its viewers.[207]

82. On 03 May 2002, advice was received from Orlando Pownall QC. The advice included the following matters for consideration:

> '[T]*he first stage of the strategy will involve the announcement on Crimewatch of a reward for information leading to the arrest and conviction of those concerned in the murder of Daniel Morgan. This would present the opportunity of introducing a "mythical" informant whose introduction, it is hoped, will provoke a reaction from one or more of the suspects.*'[208]
>
> *'There is in my judgment nothing unlawful in using a ruse as part of an evidence gathering exercise, particularly where other "reactive" police measures have proved unsuccessful. There is a potential risk that if the strategies referred to above bear fruit and result in charges being brought, argument would be advanced that the conduct of*

199 Minutes of meeting, MPS040535001, p1, 05 June 2001.
200 Notes of meeting, MPS042608001, p2, 06 February 2002.
201 Notes of meeting, Update, MPS053337001, p1, 07 March 2002.
202 Notes of meeting with Crown Prosecution Service, MPS053655001, 06 March 2002.
203 Letter from Crown Prosecution Service to DCI David Zinzan enclosing notes of meeting, MPS047345001, p1, 07 March 2002.
204 Report from DCI David Zinzan to D/Supt Stephen Condon regarding the '*Operation Abelard Proactive phase*', MPS048939001, p1, 25 March 2002.
205 Letter from DCI David Zinzan, MPS042610001, 13 March 2002.
206 Report from Metropolitan Police Legal Services, MPS047338001, p2, 24 June 2002.
207 '*Notes of meeting at 2 Hare* Court', MPS047325001, 15 April 2002.
208 Counsel advice by Orlando Pownall QC, MPS053460001, pp1-2, 02 May 2002.

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the police was an abuse of process. In my view, on the available information, it could not successfully be argued that the strategy of using a "mythical" informant would involve a manipulation or misuse of the court process so as to deprive a defendant of a protection provided by law or to take unfair advantage of a technicality."[209]

'I feel that Crimewatch should be informed as to the strategy proposed and agree to its implementation."[210]

'I do not however feel that the mere fact that Crimewatch was unaware of what was happening would necessarily prove fatal to the admissibility of any resulting evidence."[211]

83. On 17 May 2002, the Gold Group approved the proposal '*for a telephone call to be made into Crimewatch, purporting to represent a witness or an informant wishing to pass on new information concerning the murder*' (this information had actually been received in 1999), and agreed that DCS David Cook would '*overtly lead the re-investigation and appear on the Crimewatch programme*'[212] and that the *Crimewatch* appeal would be preceded by '*a release in the local press announcing a re-investigation of the murder and publicising a Crimewatch programme'*.[213]

84. A/DCI Neil Hibberd stated in his decision log that '[i]*t is hoped that this appeal, fronted by DCS COOK, will generate activity and discussion involving the suspected individuals*'.[214]

85. On 28 May 2002, a meeting was held attended by the *Crimewatch* producers, and DCS David Cook, T/D/Supt David Zinzan and DS Richard Oliver. The date for the *Crimewatch* broadcast was confirmed as 26 June 2002,[215] and it was agreed that the controversial background to the case, the allegations of corruption, could be acknowledged during the programme.[216]

86. The BBC agreed to '*allude to the controversial past of the case*' but with the recognition '*that the BBC is not being used but is genuinely trying to achieve a result for the family*'.[217] The BBC was keen '[t]*o reassure the family that* [they were] *committed to produce the most accurate picture of Daniel'.*[218] (Members of Daniel Morgan's family had been very upset by the portrayal of Daniel Morgan in the first *Crimewatch* appeal, aired in April 1987; see Chapter 12, The Treatment of the Family).

87. By 28 May 2002, a month before the screening of *Crimewatch*, there had been discussion among senior officers and the producers of *Crimewatch* about releasing information received in 1999 regarding a vehicle used during the murder.[219] T/D/Supt David Zinzan said that '[t]*his will be the catalyst which will hopefully make the suspects react, also the 50K reward we hope will bring in some genuinely new information*'.[220]

209 Counsel advice by Orlando Pownall QC, MPS053460001, p2, 02 May 2002.
210 Counsel advice by Orlando Pownall QC, MPS05346001, p2, 02 May 2002.
211 Counsel advice by Orlando Pownall QC, MPS05346001, p2, 02 May 2002.
212 Minutes of Gold Group meeting, MPS042643001, p7, 17 May 2002.
213 Minutes of Gold Group meeting, MPS042643001, p7, 17 May 2002.
214 '*SIO Sensitive Decision Log*', MPS072551001, p4, decision taken 23 May 2002, date on decision 05 July 2002.
215 Minutes of meeting with *Crimewatch*, MPS054198001, p3, 28 May 2002.
216 Minutes of meeting with *Crimewatch*, MPS054198001, p1, 28 May 2002.
217 Minutes of meeting with *Crimewatch*, MPS054198001, p3, 28 May 2002.
218 Minutes of meeting with *Crimewatch*, MPS054198001, p3, 28 May 2002.
219 Minutes of meeting with *Crimewatch*, MPS054198001, p2, 28 May 2002.
220 Minutes of meeting with *Crimewatch*, MPS054198001, p2, 28 May 2002.

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88. After a full discussion, the BBC production team agreed to prepare a script for the filmed reconstruction, which was part of the appeal, which would satisfy the legal and ethical requirements of the BBC and the Metropolitan Police.[221]

89. On 29 May 2002, at a Gold Group meeting, the following decisions were made:

i. The trigger strategies were agreed subject to written approval by the Crown Prosecution Service.[222]

ii. The *Crimewatch* script was agreed and T/D/Supt Zinzan was instructed to show the script to the Crown Prosecution Service and Orlando Pownall QC.[223]

iii. Newspaper articles would publicise the forthcoming *Crimewatch* appeal and the existence of the £50,000 reward.[224]

iv. The Gold Group asked for necessary risk assessments. These were subsequently completed.[225,226,227,228,229,230,231,232]

90. Following the Gold Group meeting on 29 May 2002, T/D/Supt Zinzan produced a document entitled '*Proposed trigger strategies*' which set out the following:

i. The programme would include a reconstruction and a personal appeal from the family of Daniel Morgan.

ii. Publicity about the forthcoming *Crimewatch* programme would be provided beforehand in the media to ensure the suspects had knowledge of the programme and possibly be the cause of conversation.

iii. During the BBC follow-up programme, which always occurred later in the evening after the initial *Crimewatch* appeal, there should be an announcement by DCS David Cook that '*some calls have been received and that they have received some information that he is particularly interested in concerning a possible get-away vehicle*'.[233]

91. The document was sent to the Crown Prosecution Service on 30 May 2002 formally requesting their views on the legality of the proposals.[234,235] On 31 May 2002, T/D/Supt David Zinzan recorded that the Crown Prosecution Service were in agreement with the trigger strategies, but that he required a definitive answer in writing from them.[236]

221 Fax to DS Richard Oliver from BBC *Crimewatch* enclosing script to be used in the Daniel Morgan murder appeal, MPS042625001, 14 June 2002.
222 Minutes of Gold Group meeting, MPS049790001, pp1-2, 29 May 2002.
223 Minutes of Gold Group meeting, MPS049790001, p1, 29 May 2002.
224 Minutes of Gold Group meeting, MPS042643001, p7, 17 May 2002.
225 Minutes of Gold Group meeting, MPS049790001, p3, 29 May 2002.
226 Risk assessment BBC *Crimewatch* ruse, MPS053830001, 24 June 2002.
227 Risk assessment of Person F11, MPS049816001, 29 May 2002.
228 Risk assessment of Person P9, MPS049855001, 24 May 2002.
229 Risk assessment of Isobel Hülsmann, MPS053734001, 10 June 2002.
230 Risk assessment, MPS049861001, pp1-4, 24 June 2002.
231 Action A171, '*Prepare current Risk assessment for* […]. *Include children, schools, etc. D3 refers*', MPS041036001, p1, 01 June 2002.
232 Action A172, '*Prepare Risk Assessment in relation to the Golden Lion Public House*', MPS041037001, 01 June 2002.
233 Proposed trigger strategies, by T/D/Supt David Zinzan, MPS047337001, pp7-8, 30 May 2002.
234 Fax from T/D/Supt David Zinzan to Crown Prosecution Service, MPS047337001, p6, 30 May 2002.
235 Proposed trigger strategies, by T/D/Supt David Zinzan, MPS047337001, p8, 30 May 2002.
236 Minutes of meeting, MPS040542001, 31 May 2002.

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92. On 12 June 2002, a representative of the Crown Prosecution Service stated that both the Crown Prosecution Service and Orlando Pownall QC did not foresee '*any insuperable evidential difficulties*' in any future trial.[237] This was significant given that the information which was to be disclosed about the getaway car was not new information but had been received in January 1999 (see Chapter 4, Operation Nigeria/Two Bridges).

93. On 24 June 2002, T/D/Supt David Zinzan sought and received assurance from the Metropolitan Police Directorate of Legal Services as to the legality of his proposals. His proposals involved stating that '*a caller purporting to have information telephones the Major Incident Room (MIR) and Crimewatch*' (this referred to the information which had been received in 1999).[238]

94. On 25 June 2002, T/D/Supt David Zinzan wrote to DCS Shaun Sawyer, stating that '[n]*o telephone call will be made into either the Major Incident Room (MIR) or Crimewatch. DCS Cook will state during the update part of the programme that he has received information about a vehicle that he is interested in. To cover this information coming into the MIR DI Hibberd will place a message in the system purporting to come from an anonymous female*.'[239] This was done.[240]

95. With surveillance of the key suspects in place, the Abelard One/Morgan Two Investigation and the supporting Gold Group developed a wholly appropriate series of 'triggers', or 'prompts', including the announcement of a £50,000 reward, a high-profile televised appeal for information preceded by newspaper articles advertising the television appeal, and statements indicating that intelligence was coming in suggesting that the police were making evidential progress. It was hoped that these might prompt the suspects to reveal any information they may have had in relation to the murder of Daniel Morgan, or that witnesses might come forward.

96. The Abelard One/Morgan Two Investigation and the supporting Gold Group also took every care to ensure that the prosecution authorities accepted the surveillance/trigger strategy which had been devised to generate new evidence which might enable a prosecution or prosecutions to be brought, so that evidence would not be compromised and would be admissible at any resulting criminal trial. This matter was handled well. Members of Daniel Morgan's family were kept well informed about the evolving investigative strategy.

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237 Letter from Crown Prosecution Service to T/D/Supt David Zinzan, MPS048550001, 12 June 2002.
238 Letter from T/D/Supt David Zinzan to Directorate of Legal Services, MPS047338001, p1, 24 June 2002.
239 Report from T/D/Supt David Zinzan to DCS Shaun Sawyer, MPS047338001, p3, 25 June 2002.
240 Message M7, MPS059867001, 26 June 2002.

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7 The *Crimewatch* programme and the first period of covert surveillance

97. On 24 June 2002, the Metropolitan Police issued a press release, embargoed until 00.01 am 25 June 2002.[241] On 25 June 2002, articles appeared in the *Evening Standard*[242] and *South London Press*[243] newspapers, publicising the reinvestigation, the availability of the £50,000 reward and the fact that the case would be featured the next day on *Crimewatch*.[244] The *Crimewatch* programme was broadcast as scheduled on 26 June 2002 at 9.00 pm. The *Crimewatch* update programme was broadcast at 10.35 pm the same evening.

98. The programme comprised a filmed reconstruction of events at the Golden Lion public house on the evening of 10 March 1987. During depictions of Daniel Morgan having a drink with Jonathan Rees and the discovery of his body in the car park behind the Golden Lion public house, there was a filmed voice-over appeal from Isobel Hülsmann, his mother, for members of the public to come forward with information. Before and after the filmed reconstruction, Nick Ross, the *Crimewatch* co-presenter, set the scene regarding the investigation of Daniel Morgan's murder, and, in conversation with DCS David Cook, the existence of the £50,000 reward was stressed. It was stated that police needed to learn more about a getaway car, which was shown leaving the car park in the film reconstruction.

99. During the *Crimewatch* update programme, Fiona Bruce, the other *Crimewatch* co-presenter, stated:

> *'We're getting some very good information* […] *a number of people* […] *who have very good leads* [...] *We'll be following those up straight away."*[245]

100. Following this, DCS David Cook said that he was pleased with the responses which had been received. He said that some callers had mentioned the '*same person*', and that '*the good thing is some people have given contact numbers for us to get back to them, so* [there is the] *possibility of some witnesses there*'. DCS Cook was then asked about some information which had been received about a car, to which he responded that there was a '*particularly good piece of information about the car that was possibly involved in this and what's happened to it and it's put a big smile on my face*'.[246]

101. In addition to the information stated above, responses were received from a number of viewers who contacted the BBC claiming to have new information relating to Daniel Morgan's murder. These were then investigated. Some information received as a result of the *Crimewatch* programme was found, in the Panel's view correctly, to lack substance (for example, information received from a caller with psychic insights).[247,248] Nothing of benefit to the investigation was identified as a consequence of these calls.

241 Copy of press office account up to 25 September 2007, MPS103631001, pp73-74, undated.
242 Evening Standard, '*£50,000 Reward As Axe Murder Case Reopens*', by Philip Nettleton, MPS061317001, 25 June 2002.
243 South London Press, '*Private Eye Murder Case Is Reopened*', unknown author, MPS061334001, 25 June 2002.
244 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p77, 07 March 2003.
245 Recording of BBC's *Crimewatch* screened on 26 June 2002, viewed by the Panel.
246 Recording of BBC's *Crimewatch* screened on 26 June 2002, viewed by the Panel.
247 Letter from a psychic, MPS061472001, pp4-5, 21 October 2002.
248 Action A129, '*Interview* […] *N129 re information of the murder of MORGAN N1 TST if required*', MPS059541001, 03 July 2002.

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102. The *Crimewatch* appeal broadcast on 26 June 2002 was of high quality and its delivery was professional. The inclusion in the programme of the appeal for information by Isobel Hülsmann, Daniel Morgan's mother, greatly enhanced the emotional impact of the programme, and, in contrast to the *Crimewatch* appeal broadcast in April 1987 as part of the Morgan One Investigation, the close involvement of Daniel Morgan's family ensured that the reconstructed representation of Daniel Morgan was, on this occasion, more sympathetic and accurate.

7.1 Callers who mentioned current and former police officers

103. While some calls referred to unidentified individuals, several calls were received, some anonymous, which referred to former police officers having had knowledge of Daniel Morgan's murder. DC Duncan Hanrahan, a former police officer, who in March 1999 had been sentenced to more than eight years' imprisonment for serious criminal offences, and who was known to James Cook and Person P9,[249,250] was alleged by one caller to have provided an alibi for Jonathan Rees.[251,252] Nothing useful came out of this line of enquiry.

104. One caller claimed to know a South London criminal who had said that Daniel Morgan's murder was connected to '*a detective who committed suicide*', the name of whom given was '*Paddy Holmes*' (the Panel believes this to be DC Alan 'Taffy' Holmes – see Chapter 1, The Morgan One Investigation), and the caller claimed also to have been informed by a relative that the murder was connected to the gold bullion robbery (the Panel believes this was reference to the notorious Brink's-Mat robbery that was carried out in November 1983).[253,254] Police visited the named South London criminal who had no information about Daniel Morgan's murder, although he had heard about it.[255] Further research was conducted in the computerised investigation system in relation to DC Holmes. T/D/Supt David Zinzan examined the file relating to DC Holmes which was held at the Directorate of Professional Standards, but no information was discovered to link the death by suicide of DC Holmes to the murder of Daniel Morgan.[256]

7.2 Caller who mentioned David Bray

105. Another caller claimed to have heard David Bray (who had worked with Daniel Morgan) and his father talking about Daniel Morgan's murder.

106. A detective went to speak to the caller on 29 June 2002. The caller stated that '*while having tea one day and in front of Daniel MORGAN, David* [BRAY] *said to his Father, it is all arranged, it is going to happen in a couple of weeks*'.[257] The caller went on to state that '*it was*

249 2000 Murder Review Report, MPS020525001, p33, 6 October 2000.
250 Letter to Duncan Hanrahan from CIB3 regarding forfeiture provisions of the police pensions regulations 1987, HOM000064001, p1, undated.
251 Message M27, MPS059887001, p1, 26 26 June 2002.
(The caller referred to another officer, '*Alex LEIGHTON*'. An action was raised to research LEIGHTON but was referred on 09 June 2003 where it was concluded that, '*Conducting research on LEIGHTON adds no value to the investigation at this time*', MPS102246001, p18, 09 June 2003).
252 Message M27, MPS059877001, p1, 26 June 2002.
253 Message M10, MPS059870001, p1, 26 June 2002.
254 Action A128, '*Interview* […] *N130 re information forwarded to Crimewatch TST if necessary*', MPS059540001, 12 July 2002.
255 Action A163, '*TI* […] *N231 re knowledge of the murder of MORGAN N1',* MPS059584001, 03 September 2002.
256 Action A165, '*Research HOLMES N233 an ex-police officer apparently committed suicide, Establish any link to the murder of MORGAN N1'*, MPS059586001, 03 September 2002.
257 Message M28, MPS059888001, p1, 01 July 2002.

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apparent that Daniel didn't know what was being said'.[258] A couple of weeks later Daniel Morgan was murdered and the caller had recalled the conversation. The caller had '*challenged*' David Bray's father about what had been overheard. The father had responded that he had already challenged his son, David Bray, who had said that '*he had nothing to do with it*'.[259] The caller was in fear of David Bray's father and stated that he was very violent. The caller also stated that the *Crimewatch* appeal had prompted a decision to contact the police, the conversation having played on the caller's mind for years.[260] Nothing of use to the investigation emerged from these enquiries.

7.3 Callers who mentioned Jonathan Rees

107. Three callers said that they had information relating to Jonathan Rees.[261,262,263] One anonymous caller stated that someone close to Jonathan Rees's family had told him that Jonathan Rees was the murderer.[264,265] This caller was subsequently located by police. When interviewed by a police officer, the caller said that he used to work with an individual who was close to Jonathan Rees. While drunk, that individual had reportedly told the caller that he believed that Jonathan Rees was the murderer. The individual had reportedly asked Jonathan Rees if he had committed the murder, and Jonathan Rees had allegedly laughed and replied, '[t]*hank goodness for dustbin bags*'.[266] The caller claimed that two colleagues overheard this conversation. One was traced and interviewed by police but had no knowledge of such a conversation, the other was not traced.[267,268,269,270]

108. Of the two other callers who also gave the name of Jonathan Rees,[271,272] one caller had said that former DC Austin Warnes (a police officer who had been convicted in 2000 with Jonathan Rees of perverting the course of justice and conspiracy to plant Class A drugs on the wife of Simon James; see Chapter 4, Operation Nigeria/Two Bridges), had said that Jonathan Rees had admitted being responsible to him. It is unclear what this meant.[273] Former DC Austin Warnes was visited in prison but denied having met or spoken to Jonathan Rees[274] (despite

258 Message M28, MPS059888001, p1, 01 July 2002.
259 Message M28, MPS059888001, p1, 01 July 2002.
260 Message M28, MPS059888001, p1, 01 July 2002.
261 Message M12, MPS059872001, p1, 26 June 2002 and Action A111, '*Contact* […] *N131 and ascertain if he has any useful information re incident TST if necessary*', MPS059522001, 09 July 2002.
262 Message M29, MPS059889001, p1, 26 June 2002 and Action A121, '*Interview WALMSESLEY (WARNES) N154 re knowledge of the murder of MORGAN N1*', MPS059533001, p4, 31 July 2002.
263 Message M14, MPS059874001, p1, 26 June 2002 and Action A138, '*Identify area which uses 01964 and establish if any useful information re MECHANCIC N174*', MPS059551001, 08 August 2002.
264 Message M38, MPS059893001, p1, 26 June 2002.
265 Message M14, MPS059874001, p1, 26 June 2002.
266 Action A138, '*Identify area which uses 01964 and establish if any useful information re MECHANCIC N174*', MPS059551001, 03 February 2003.
267 Action A138, '*Identify area which uses 01964 and establish if any useful information re MECHANCIC N174*', MPS059551001, 03 February 2003.
268 Action A384, '*Trace and interview* […] *N466 re his knowledge of Daniel MORGAN's N1 murder*', MPS059823001, 12 June 2003.
269 Message M181, MPS060041001, 09 June 2003.
270 Action A385, '*Trace and interview* […] *N467 re her knowledge of Daniel MORGAN's N1 murder*', MPS059824001, 12 June 2003.
271 Message M29, MPS059889001, p1 26 June 2002 and action A121, '*Interview WALMSESLEY (WARNES) N154 re knowledge of the murder of MORGAN N1*', MPS059533001, p4, 31 July 2002.
272 Message M12, MPS059872001, p1, 26 June 2002 and action A111, '*Contact* […] *N131 and ascertain if he has any useful information re incident TST if necessary*', MPS059522001, p1, 09 July 2002.
273 Message M29, MPS059889001, p1, 26 June 2002 and action A121, *'Interview WALMSESLEY (WARNES) N154 re knowledge of the murder of MORGAN N1'*, MPS059533001, p4, 31 July 2002.
274 Message M29, MPS059889001, p1. 26 June 2002 and action A121, *'Interview WALMSESLEY (WARNES) N154 re knowledge of the murder of MORGAN N1'*, MPS059533001, p4, 31 July 2002.

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being Jonathan Rees's co-defendant when he was prosecuted for perverting the course of justice; see Chapter 4, Operation Nigeria/Two Bridges). The information provided by the other caller did not assist the investigation.[275]

109. The public response to the *Crimewatch* appeal was modest. However, 15 years had elapsed since the murder. The Abelard One/Morgan Two Investigation pursued every lead which arose from the information received, but none of these progressed the investigation.

7.4 Former DC Noel Cosgrave's response to the *Crimewatch* broadcast

110. Former DC Noel Cosgrave contacted the programme. He had been one of the first officers to arrive at the scene of Daniel Morgan's murder but was not part of the Morgan One Investigation. He said that the '[i]*nvestigation was cocked up by DS Malcolm Davidson*' and that he wished to speak to the current investigation.[276]

111. The Abelard One/Morgan Two Investigation team contacted former DC Noel Cosgrave.[277] The following was recorded:

i. That '*he saw the body* [of Daniel Morgan] *lying on the floor and a cursory glance showed the motive wasn't robbery as he had a big wad of money in his pockets*'.

The Morgan One Investigation only discovered the money in Daniel Morgan's pocket when they extensively examined his body. The money was not discovered by a '*cursory glance*'; the money was hidden in his pocket.

ii. That '*he called for the assistance of Supt. Douglas CAMPBELL (AMIP)* [Area Major Incident Pool]*, who turned up pissed then ordered a bottle of Scotch from the bar. COSGRAVE had words with Campbell about this and was told to piss off the enquiry.*'

This matter is dealt with below. There is no evidence to substantiate this allegation.

iii. '*As far as COSGRAVE is concerned the axe was never dusted for fingerprints.*'

The Morgan One Investigation examined the axe for fingerprints.

275 Message M12, MPS059872001, p1, 26 June 2002 and action A111, '*Contact* […] *N131 and ascertain if he has any useful information re incident TST if necessary*', MPS059522001, p1, 09 July 2002.
276 Message M25, from former DC Noel Cosgrave, MPS059885001, p1, 26 June 2002.
277 Message M25, from former DC Noel Cosgrave, MPS059885001, p1, 26 June 2002.

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iv. Former DC Noel Cosgrave was asked whether Daniel Morgan had been wearing a watch and stated that '*he is sure he was*'.

> Former DC Noel Cosgrave's evidence as to whether Daniel Morgan had been wearing a watch changed over time.

v. Former DC Cosgrave said that he was '*certain FILLERY, FOLEY and PURVIS who were arrested at the time were not involved*'.

vi. '*COSGRAVE still telephones FILLERY occasionally for a chat.*'

> The fact that former DC Noel Cosgrave was friendly with former DS Sidney Fillery at the time calls into question the integrity of his statement.

112. DC Noel Cosgrave had made four previous statements, on 27 May 1987,[278] 22 June 1988,[279] 04 October 1988[280] and 19 April 1989.[281] In the first three statements he had made no mention of a watch on Daniel Morgan's body. In his statement of 19 April 1989, he had been '*unable to say if there was a wristwach [sic] on MORGAN's body*'.

113. In a statement[282] made on 06 August 2002 to the Abelard One/Morgan Two Investigation, former DC Noel Cosgrave said the following:

i. He had seen a bracelet watchstrap on Daniel Morgan's left hand.

ii. When D/Supt Douglas Campbell arrived at the Golden Lion public house,

> *'he immediately entered the bar area and ordered a bottle of scotch. I then approached him at the bar and noticed that he was already inebriated. I suggested that he hand the case over to another senior officer. He didn't take kindly to my words and told me to leave.'*

Alastair Morgan had told the Inquest that Jonathan Rees had informed him that D/Supt Campbell had been drunk at the murder scene.[283] D/Supt Campbell had declined to comment on this as it was due to be fully investigated by DCS David Lamper.[284] However, no complaint had been received from Jonathan Rees that D/Supt Campbell had been drunk at the murder scene and therefore DCS Lamper, who was investigating complaints made by Jonathan Rees, did not investigate this matter (see Chapter 1, The Morgan One Investigation). The matter was not investigated by the Abelard One/Morgan Two Investigation, as it was not conducting

278 Witness statement of DC Noel Cosgrave, MPS010678001, MPS017993001, 27 May 1987.
279 Witness statement of DC Noel Cosgrave, MPS038421001, 22 June 1988.
280 Witness statement of DC Noel Cosgrave, MPS034106001, 04 October 1988.
281 Witness statement of DC Noel Cosgrave, MPS024396001, 19 April 1989.
282 Witness statement of former DC Noel Cosgrave, MPS062385001, p3, 06 August 2002.
283 Witness D/Supt Douglas Campbell, examined by the Coroner, INT000005001, p11, Inquest Day Five, 15 April 1988.
284 Witness D/Supt Douglas Campbell, examined by the Coroner, INT000008001, p109, Inquest Day Eight, 25 April 1988.

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enquiries into the conduct of D/Supt Campbell. The Panel has examined the evidence which is available and has found nothing to corroborate the assertion that D/Supt Campbell had been drunk at the murder scene.

iii. Approximately three or four weeks after Daniel Morgan's murder, former DC Noel Cosgrave's son brought a friend home called David Bray.[285] The son had informed his father that David Bray had worked with Daniel Morgan. David Bray, former DC Cosgrave, and his son had been having a conversation outside former DC Cosgrave's home when David Bray had opened the boot of his car. Inside was an axe identical to the axe used in Daniel Morgan's murder with identical sticky plaster around the handle.[286] Former DC Cosgrave stated that he had later informed the Morgan One Investigation of what he had seen.[287]

In fact, DC Noel Cosgrave made his report to the Morgan One Investigation some nine or ten months after the alleged incident. DS Malcolm Davidson had recorded the message from DC Cosgrave as follows: '*I have been given information that David BRAY who was an associate of Danny Morgan that he* [sic] *carries three axes in the boot of his Ford Granada gold coloured. I don't know the index.*'[288]

The effect of the information submitted by DC Noel Cosgrave was to suggest that David Bray had three axes in his car and may have had a motive to murder Daniel Morgan, who was killed with an axe.

When asked about this by the investigation, David Bray denied having carried an axe in his car at any time.[289] DC Noel Cosgrave's son was asked about his knowledge of the incident and the axe allegedly seen by him and his father in the boot of a car owned by David Bray.[290] On 16 June 2003, the son said that he was a good friend of David Bray but he had not seen him for about 12 years.[291] He stated that he had never seen an axe in the back of his car and could not assist the police in any way in relation to the murder.

None of the information received from former DC Noel Cosgrave provided any new lines of enquiry for the Abelard One/Morgan Two Investigation.

114. The 2000 Murder Review had recommended that Daniel Morgan's watch should be recorded on the Crime Reporting Information System (CRIS) as having been stolen.[292] This was done.[293] The watch has never been found.

285 Witness statement of DC Noel Cosgrave, MPS062385001, p24, 06 August 2002.
286 Witness statement of DC Noel Cosgrave, MPS062385001, p24, 06 August 2002.
287 Witness statement of DC Noel Cosgrave, MPS062385001, p24, 06 August 2002.
288 Message M751, MPS012811001, 29 February 1988.
289 Action A191, MPS059617001, p1, 21 May 2003.
290 Action A190, MPS059616001, p1, 28 April 2003.
291 Action A190, MPS059616001, p1, 16 June 2003.
292 2000 Murder Review Report, MPS020525001, p76, para 8.3.2, 06 October 2000.
293 Action A103, MPS059514001, p1, 03 September 2002.

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7.5 25 June to 12 July 2002: The response of five individuals under surveillance to the £50,000 reward and the *Crimewatch* programme

115. The Panel has had full access to the surveillance tapes and the transcripts of the recorded conversations of Glenn Vian, Garry Vian, former DS Sidney Fillery, James Cook and Person P9. Several of the recorded conversations clearly indicate interest in the BBC *Crimewatch* appeal. However, the individuals talked in only general terms about the programme and the murder.[294] No person admitted carrying out the murder or gave any specific details relating to the murder.

116. The quality of many, but not all, of the tapes was very poor.[295] On occasion people spoke at the same time and there was a great deal of background noise indicating domestic activity[296] and radio noise.[297] The quality of the transcriptions also varied. Two officers each transcribed the same recording in an attempt at greater accuracy than might be possible if only one officer was recording, but on occasion what they heard differed. When the tapes were subsequently enhanced for clarity there were also some different interpretations of what was heard.[298]

117. On 25 June 2002, before the *Crimewatch* broadcast but following the announcement in the press that the programme appeal was to be made,[299] a conversation was picked up from surveillance of Glenn Vian's household.[300] The conversation was not specific and disclosed no new lines of investigation, but it was later referred to in DCS David Cook's advice file '*because of its content*'.[301] Glenn Vian was recorded as saying to his wife, Kim Vian:

> *'"I know I wouldn't get life or twenty years d'ya know what I'm saying?" Unreadable. "About one and a half d'ya know what I mean?" Unreadable. "I've lost a lot of money ain't I?" Unreadable. "D'ya know what I mean?" Unreadable. "You know I'm not a fucking muppet don't ya".'*[302]

118. Also, on 25 June 2002, the audio probe in James Cook's vehicle recorded a conversation between him and an unknown male in which James Cook was reported as saying:

> *'They have to fucking stand in the dock and fucking point the finger ain't they. Pause.*
>
> *'They can't do us by just a little bit of verbal, they've got to go in sit in that dock* [...] *they are hoping someone's going to come out of the woodwork and be willing to sit, be willing to sit in the dock and point the finger because (inaudible) that's how they're bloody going to get their money, you know what I mean, they don't give you the money on a "Oh yeah well it's him see you later, can I have me fucking money", they're gonna have to (inaudible) they're gonna have to fucking relocate them somewhere ain't they, 'cos they'll only put (inaudible) they put the other one away and there's one out ain't there, you know what I mean.'*[303]

294 Audio summary, MPS055888001, 26 June 2002.
295 Audio summary, MPS044184001, 25 June 2002.
296 Audio summary, MPS044076001, 25 June 2002.
297 Audio summary, MPS050005001, 26, June 2002.
298 For example, '*It's 80 percent Sid's fault (? his fault)* [sic]', from Audio Summary, MPS000779001, 01 October 2002. During the Abelard Two Investigation, an enhancement of the recording, document D1324, was produced. It was found that what had actually been said was '*it's 80 percent kids films*' instead of '*it's 80 percent Sid's fault*', MPS103417001, p3, (enhancement not dated).
299 South London Press, '*Private Eye Murder Case Is Reopened*', unknown author, MPS061334001, 25 June 2002.
300 Audio summary, MPS061072001, p1, 25 June 2002.
301 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p78, 07 March 2003.
302 Audio summary, MPS061072001, 25 June 2002.
303 Audio summary, MPS000773001, p2, 25 June 2002.

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119. This conversation was described by the police as '*significant*'.[304] They interpreted James Cook's reference to '*the possibility of a witness coming forward*' as relating to the murder of Daniel Morgan,[305] and they believed it demonstrated that James Cook was '*clearly acknowledging his involvement in the subject matter*'.[306] The phrase *'they put the other one away*' was construed by the police as a reference to Jonathan Rees, who at the time was serving his sentence for perverting the course of justice (see Chapter 4, Operation Nigeria/ Two Bridges), and the reference to '*there's one out ain't there*' as a reference to Glenn Vian.[307] However, while the conversation was regarded as suspicious, it did not provide any investigative opportunities.

120. At 9.37 pm on 26 June 2002, immediately following the *Crimewatch* broadcast, James Cook left his home in his car. The monitoring officers had previously had their recording facility switched on but had switched it off to save battery life. The officer responsible failed to switch back on the recording devices, but made a note of the conversation.[308] James Cook called an unidentified person and the police officer listening recollected that James Cook said: '[…]*"Fifty grand" and that "one was a copper who now works there"*' and '*"they are going to need proper evidence"*'.[309] There is no contemporaneous note of this recording. Another officer stated that he also heard James Cook having a telephone conversation and saying: '*"Fifty grand"*' and '"[o]*ne of the coppers is a partner"*'.[310] The officer related that James Cook had said: '"[t]*hey're going to need proper evidence"*'.[311]

121. There was no recording of any relevant comment by any of the suspects on Thursday, 27 June 2002, the day after the *Crimewatch* broadcast. However, on 28 June, Glenn Vian was recorded in a conversation with Kim Vian, saying:

'[Glenn VIAN] *"I wouldn't do anything ... about the motor ... he ain't gonna talk about the motor .... Working together ... the cunt ... I done damage to it ... I done about £500 worth of damage to it ... may well have had the hump about how much ... I don't know I really don't know ... Gary ..."*

".... before ....he would've told ya ... that's why he fucking .... d'ya know what I'm saying ... I don't know .... I don't know why .... I ain't got a clue ... hoping that Gary would've got off ... but what it is ... you see ... me ...don't ya ... all the fucking ... but he's left in peace all the time ... you know what I'm saying ... COOKIE ... COOK makes me wanna fucking do in ....".

[Kim VIAN] *"Calm .... darlin".*

[Glenn VIAN] *"Look baby ... he's paid to ditch the other fucking motor ... I would've done ... out ... at least fucking put someone in to do a proper ... I don't know ... maybe someone dropped ... into a pond or sold the motor I don't know ... fucking ...".*

304 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p78, 07 March 2003.
305 Application for Part III Police Act 1997 – Property Interference, MPS006623001, p8, 26 September 2002.
306 Application for Part III Police Act 1997 – Property Interference, MPS006623001, p8, 26 September 2002.
307 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p79, 07 March 2003.
308 Witness statement of the officer listening, MPS041283001, 26 June 2002.
309 Witness statement of the officer listening, MPS041283001, p4, 26 June 2002.
310 Witness statement of a Detective Constable, MPS041281001, p1, 27 June 2002.
311 Witness statement of the Detective Constable, MPS041281001, p1, 27 June 2002.

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Conversation quietens, distant.'[312]

Glenn and Kim Vian subsequently said:

'[Kim VIAN] *"..... just don't say nothing now" ....*

[Glenn VIAN] *"Say ... Gary paid me I don't know ... I hope not ... fucking garage ... fucking ... know what I mean....".*

"..knock on the door ... you know what I'm saying ... I told 'em that anyway ... these people ... knock on the door ... fuck all ... last week ... fucking playing at ... know what I mean ..."

"What do you think I'm going to do, go down ... all down...".

[Kim VIAN] *Distant and unreadable fading in and out. "Gary... surely ... what did Gary".*

[Glenn VIAN] *"The robbery see ... got about 30 for my .... I was the ... and I never got fucking paid ... I know I'm right that's what I'm saying....".*

[Kim VIAN] *"Don't you dare....".*

[Glenn VIAN] *"No I know what I'm saying but I don't know what it was for, I know what I'm saying....".*

Conversation continues but quietens and is largely inaudible and appears distant.'[313]

122. It is unclear which criminal activity was being referred to in the conversations picked up by the audio surveillance of the Vian household, and it cannot be assumed that it related to either the Belmont Car Auctions robbery (see Chapter 1, The Morgan One Investigation) or any other robbery. Similarly, although references to a '*motor*' could be interpreted as having been prompted by the *Crimewatch* broadcast on 26 June 2002, as DCS David Cook had appealed for more information about the '*getaway car*', it cannot be assumed that it is the '*getaway car*' used in the murder of Daniel Morgan.

123. In a briefing note, T/D/Supt David Zinzan stated that the quality of the product from Glenn Vian's home was poor, and certainly not up to evidential standards.[314] T/D/Supt Zinzan nevertheless commented:

'It is accepted that [Glenn Vian] *has an interest in the murder, he was arrested in connection with it in 1987 and even if entirely innocent, it is natural that he would discuss the new investigation. It is believed however that his conversations go beyond that interest. He has concerns and knowledge that indicate involvement.'*[315]

312 Audio summary, MPS042410001, pp3-4, 28 June 2002.
313 Audio summary, MPS042410001, p4, 28 June 2002.
314 '*Operation Abelard Briefing Note*', MPS049782001, p1, 09 July 2002.
315 '*Operation Abelard Briefing Note*', MPS049782001, p3, 09 July 2002.

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124. The content of the recorded information was reported and considered in the report by the Metropolitan Police to the Crown Prosecution Service on 07 March 2003[316] (see paragraph 452 below).

125. On 29 June, three days after the *Crimewatch* broadcast, there was a 20-minute conference telephone call between Glenn Vian and Jonathan Rees.[317,318,319] Glenn Vian's contribution to this conversation was captured from the probe inserted at his home. However, the poor quality of the recording meant that even his part of the conversation was not detected properly, and it was not possible to record the contents of the call.

7.6 The 'trigger' call

126. On 01 July 2002, with the agreement of the Crown Prosecution Service, a trigger telephone call was made to James Cook by a police officer.[320,321,322] The caller told James Cook that she knew who was involved in the murder and that she would inform the police of this '*in order to claim the reward money*' which was being offered. However, she said that if James Cook paid her £50,000, she would not do so. James Cook responded to the caller by saying that he did not care. She gave a phone number and asked him to contact her with his decision two days later at a specific time.[323,324,325] Police hoped that this would cause James Cook to contact identified associates and enable the investigation to monitor the conversations covertly. DCS David Cook reported that '*enquiries were made into the telephone number supplied*', but no further information of use to the investigation was found.[326]

127. DCS David Cook reported that that evening James Cook telephoned his wife to tell her about the trigger telephone call,[327] and that he had spoken to his solicitor. He was recorded saying:

> *'he can't do anything about it....Why not?.... You can't do nothing (inaudible) ...I've got the same powers as police officers got they make their notes straight away (inaudible) sign it...you sign it.... Time and date it (inaudible). Finally I've spoken to him…he said calm down I said I can't fucking calm down...I've fucking got people trying (inaudible) ....You can't do anything about it he said (inaudible) … Say nothing... (inaudible) .... You know what I mean (inaudible) I give them the fifty grand or they're fucking going to tell a pack of lies.... (inaudible) ... they could get arrested (inaudible) ....Before you've had a fucking chance to prove your innocence do you know what I mean....They phone me up 15 years ago I said to make (inaudible……).'*[328]

316 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp78-82, 07 March 2003.
317 Document D1467, '*Audio probe material compared with phone billing on CPS* [Crown Prosecution Service] *submission*', MPS103561001, p3, 29 August 2007.
318 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p82, 07 March 2003.
319 In DCS David Cook's advice file sent to the Crown Prosecution Service on 07 March 2003, he stated that former DS Sidney Fillery was also party to the phone calls between Jonathan Rees and Glenn Vian. It was subsequently discovered that former DS Fillery had provided Jonathan Rees with a phone card to use in prison, and was not in fact party to these specific calls, (see Action A1325, MPS066994001, 18 June 2008.)
320 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p82, 07 March 2003.
321 Audio summary of recorded telephone conversation between a police officer and James Cook (1821–1958), MPS058784001, pp1-6, 01 July 2002.
322 Letter from Crown Prosecution Service to DCI David Zinzan, MPS048550001, 12 June 2002.
323 Audio summary of recorded telephone conversation between the police officer and James Cook (1821–1958), MPS058784001, pp4-6, 01 July 2002.
324 Report book of the police officer, MPS008468001, pp1-7, 01 July 2002.
325 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p83, 07 March 2003.
326 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p83, 07 March 2003.
327 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p83, 07 March 2003.
328 Audio summary, MPS060106001, p3, 01 July 2002.

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128. James Cook then said:

> *'Fucking North London....fucking South London... know what I mean. He better not do it in Norbury, Carshalton or Wallington, South Mitcham or anything like that... 'cos I'm fucking....I'm red hot.... My face is like a burnt* [sic] *bit of toast, do you know what I mean.'*[329]

129. He continued to talk for a while, and then explained that he had got a tape recorder and attempted to telephone the woman who had called him, but there was no response.[330]

130. No other evidence was gathered from the covert surveillance as a result of the offer of a reward, or as a result of the *Crimewatch* programme.

131. Person F11 had alleged in January 1999 that, prior to the getaway car used in Daniel Morgan's murder being destroyed, Person P9 had stored the car in a garage[331,332] (see paragraph 43 above). On 04 July 2002, two officers had visited Person P9, leaving a message for him to contact the incident room.[333,334] It had been explained that a reinvestigation had commenced into the death of Daniel Morgan.[335] Person P9 had been placed under covert surveillance (see paragraph 65 above) and the intention was to stimulate conversation within Person P9's household.[336]

132. On 04 July 2002, Person P9 had subsequently been heard making the following comments during a telephone conversation. It is not known to whom he had been speaking:[337,338]

> *' "……other people have already got nicked……"*
>
> *"(U/I) [Unintelligible].....five grand (U/I)..... five grand".*
>
> *"……they nicked him..... (U/I)".*
>
> *".....that's the fella that's done this..... (U/I).*
>
> *The old bill know who it is.....fifteen years ago..... (U/I) I used to hang around with this fella....."*
>
> *"You had a garage, you had a car..... (U/I)".*
>
> *"…….and I know and I know they steamed round..... (U/I)".'*[339]

329 Audio summary, MPS060106001, p3, 01 July 2002.
330 Audio summary, MPS060106001, p3, 01 July 2002.
331 Witness statement of Person F11, MPS046816001, p2, 22 January 1999.
332 Person F11's risk assessment, MPS049793001, p2, 29 May 2002.
333 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p85, 07 March 2003.
334 Action A139, MPS059553001, pp1-4, returned 24 July 2002.
335 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p85, 07 March 2003.
336 '*SIO Sensitive Decision Log*', MPS072551001, p6, 04 July 2002.
337 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p85, 07 March 2003.
338 Audio summary, MPS060108001, pp1-2, 04 July 2002.
339 Audio summary, MPS060108001, pp1-2, 04 July 2002.

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7.7 Prison visitors

133. The names of people who visited Jonathan Rees while he was in prison were recorded. His visitors during June and July 2002 included former DS Alec Leighton, Margaret Harrison, former PC Derek Haslam, former DS Sidney Fillery, former DC Thomas Kingston, and Glenn and Kim Vian.[340]

134. Although these visits by such notable contacts were of obvious interest to the murder enquiry team, the fact of their taking place did not in themselves advance the investigation.

8 The *News of the World* surveillance of DCS David Cook

135. Following DCS David Cook's appearance on BBC *Crimewatch*, he was subjected to surveillance by the *News of the World*. A brief account of what occurred in this context following the *Crimewatch* programme is included here. This episode is covered in detail in Chapter 10, Corruption.

136. On 27 June 2002, the day after DCS David Cook had appeared for the Metropolitan Police in the *Crimewatch* appeal, T/D/Supt David Zinzan rang DCS Cook to report that information had been received indicating that former DS Sidney Fillery of Law & Commercial and Alex Marunchak, a journalist with the *News of the World*, were exploring ways of discrediting DCS Cook.[341,342] It was agreed that the Metropolitan Police would conduct a security review of DCS Cook's home and on 30 June 2002 officers visited the house and made recommendations which were implemented.[343]

137. The following week, on 04 July 2002, a payroll officer at Surrey Police – DCS David Cook's former employer – received a suspicious phone call, purporting to be from the Inland Revenue and relating to the tax affairs of DCS Cook.[344] The payroll officer, suspecting the caller was bogus, provided no information and established that the call was from an unobtainable number. He reported the incident.[345]

138. On 10 July 2002, DCS David Cook noticed a discreetly parked vehicle, which had a clear view of his home. He reported the vehicle details and was told by T/D/Supt David Zinzan that the vehicle was leased to News International, the owners of *News of the World*. The next day, he noted a suspicious van, in addition to the other vehicle. Both vehicles were discreetly parked. That morning, when DCS Cook left the house in his car, he was followed by both vehicles. DCS Cook concluded that he was under surveillance.[346] Police officers were tasked to provide surveillance of those who had been watching DCS Cook's house.[347]

139. DCS David Cook noticed that one of the vehicles had a broken tail light and reported this to T/D/Supt David Zinzan. Action was taken by the police to install security measures at DCS Cook's home. Counter surveillance of the house by the Metropolitan Police identified the two

340 Document D264, '*Visits to REES N3 13/08/2001 to 08/12/2002 HMP Ford*', MPS061901001, p3, 03 March 2003.
341 Draft witness statement of former DCS David Cook, MPS102164001, p28, (unsigned and undated).
342 Panel Interview of former T/D/Supt David Zinzan, p8, 15 March 2016.
343 '*Timeline*', END001311001, p2, undated.
344 Email from Surrey Police payroll officer, MPS102164001, p52, 08 July 2002.
345 Email from Surrey Police payroll officer, MPS102164001, p52, 08 July 2002.
346 Draft witness statement of former DCS David Cook, MPS102164001, pp28-29, (unsigned and undated).
347 Operation Tuleta Report by DS Gary Dalby, MPS102164001, p13, 21 December 2011.

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vehicles which had been watching DCS Cook's house.[348] The vehicle with the broken tail light was stopped by traffic police on 12 July 2002. The occupants of the vehicle were identified as *News of the World* photojournalists.[349,350] Later enquiries established that the driver of the other suspicious vehicle was also a *News of the World* photographer.[351]

140. DCS David Cook's wife, Jacqui Hames, contacted him later the same day to tell him that someone was taking photographs of their house from a van.[352]

141. Dick Fedorcio, Head of Media at the Metropolitan Police Directorate of Public Affairs, was informed about these incidents and he contacted the *News of the World.*[353] He was told that the newspaper believed that they were following a legitimate story, namely that DCS David Cook was having an affair with Jacqui Hames, a police presenter who appeared on *Crimewatch*.[354] DCS Cook was in fact married to Jacqui Hames; this would have been relatively easy to check since Jacqui Hames was a public figure and she and DCS Cook had been, together, the subject of an article in *Hello!* magazine.[355]

142. On 08 August 2002, DCS David Cook discovered that his credit card statement, delivered to his locked external mailbox, had been opened, crudely resealed and put back in the letterbox.[356]

143. It had become known that Alex Marunchak, a journalist with the *News of the World,* was at the time in contact with former DS Sidney Fillery.[357] Phone records showed multiple telephone calls between former DS Fillery and Alex Marunchak at the time of the surveillance by the *News of the World* on DCS David Cook.

144. At the time of the surveillance on DCS David Cook, Jonathan Rees was serving a six-year custodial sentence.[358] Former DS Sidney Fillery visited Jonathan Rees in prison.[359] Southern Investigations (and later Law & Commercial) had, for a considerable period since the murder of Daniel Morgan, derived a substantial proportion of its income from providing information to, among others, the *News of the World*.[360,361] The longstanding relationship between Jonathan Rees and Alex Marunchak involved the passing of sensitive and confidential information to the media for financial gain. Some of this information derived from police sources (see Chapter 10, Corruption).

348 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by News of the World in July 2002*' by Gregor McGill and Alison Levitt QC, MPS102164001, pp18-19, 27 January 2012.
349 Draft witness statement of former DCS David Cook, MPS102164001, p29, (unsigned and undated).
350 Operation Tuleta Report by DS Gary Dalby, MPS102164001, p4, 02 December 2011.
351 Operation Tuleta Report by DS Gary Dalby, MPS102164001, p5, 02 December 2011. Note that although one driver was identified as a *News of the World* employee at the time of the incident in 2002, the second driver was not identified as such until 2011.
352 Draft witness statement of former DCS David Cook, MPS102164001, p29, (unsigned and undated).
353 Draft witness statement of former DCS David Cook, MPS102164001, p29, (unsigned and undated).
354 Draft witness statement of former DCS David Cook, MPS102164001, p29, (unsigned and undated).
355 Draft witness statement of former DCS David Cook, MPS102164001, p29, (unsigned and undated).
356 Operation Tuleta Report by DS Gary Dalby, MPS102164001, p4, 02 December 2011.
357 Intelligence report, MPS054032001, pp3-4, 03 July 2002.
358 Police National Computer printout in respect of Jonathan Rees, MPS004001001, p3, 14 July 2009.
359 '*Visitors to REES in prison Aug. 2001 – Oct. 2002*', MPS062243001, p1, 17 November 2002.
360 Witness statement of a bookkeeper at Southern Investigations, MPS062387001, pp3-4, 08 August 2002.
361 Invoices to News International, MPS099558001, pp204-224, 29 May 1997 to 12 December 1997.

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145. This surveillance, and other unlawful activity referred to above, caused DCS David Cook and his family considerable distress.[362] In a Panel interview, former T/D/Supt David Zinzan commented that he believed the surveillance and its impact on his family made DCS Cook obsessed with solving the murder of Daniel Morgan and bringing down former DS Sidney Fillery.[363]

146. In a letter to the Panel, former DS Sidney Fillery later denied any involvement in the organisation of the surveillance on DCS David Cook.[364] He also stated that, although he could not remember the reasons for the phone calls between them, he and Alex Marunchak had become personal friends, so '*to conclude that these telephone calls amount to some arrangement to cause disruption to Mr. Cook is, quite frankly, outrageous*'.[365]

147. In the months following the *Crimewatch* appeal, other possible surveillance incidents, including another vehicle parked near their house, caused DCS David Cook and Jacqui Hames concern.[366,367] Jacqui Hames told the Panel that items in the garden had been moved. She also told the Panel that around this time, an email was sent to a Producer of *Crimewatch*, suggesting that she was having an affair with a senior police officer (who was in fact her husband, DCS David Cook).[368]

148. On 27 August 2002, A/DCI Neil Hibberd recorded a decision stating among other things that '[r]*ecent intelligence indicates that that there has been contact between Mr MARANCHEK* [sic] *and Sid FILLERY in respect of this reinvestigation into Daniel MORGAN's murder. It appears that MARANCHEK* [sic] *and FILLERY are attempting to conduct research into the lifestyle of the SIO* [Senior Investigating Officer]*, DCS COOK, in order to discredit this investigation.*'[369]

149. A/DCI Neil Hibberd continued: '*In light of the above I have concerns regarding the current and historical relationship between Mr MARANCHEK* [sic] *and Southern Investigations/ Law & Commercial. A financial investigation will attempt to prove or disprove any corrupt dealings and/ or provide evidence of criminal association surrounding Mr MORGAN's death.*'[370] A financial investigation followed.

150. Commander Andre Baker subsequently said that DCS David Cook had raised the matter with him on 03 January 2003 and said that he wanted the activity against him to stop. Commander Baker relayed DCS Cook's concerns and a meeting was set up with Rebekah Wade (later Brooks), then Editor of *The Sun* newspaper, in order to discuss the matter.[371] On 09 January 2003, that meeting took place between Dick Fedorcio, Commander Andre Baker, DCS Cook and Rebekah Wade.[372] Both former Commander Baker and former DCS Cook have told the Panel that this meeting was convened specifically to discuss the surveillance by the *News of the World* of DCS Cook and his family[373] (see further at paragraph 152 below). DCS Cook alleged that Commander Baker had told him, with reference to the meeting with Rebekah

362 Draft witness statement of former DCS David Cook, MPS102164001, pp29 and 34.
363 Panel Interview with former T/D/Supt David Zinzan, p10, 15 March 2016.
364 Letter from former DS Sidney Fillery to the Panel, pp9-10, 13 September 2017.
365 Letter from former DS Sidney Fillery to the Panel, p10, 13 September 2017.
366 Draft witness statement of former DCS David Cook, MPS102164001, p30.
367 Panel meeting with Jacqui Hames, p1, 18 January 2016.
368 Panel meeting with Jacqui Hames, p1, 18 January 2016.
369 Decision by A/DCI Neil Hibberd, EDN000603001, 27 August 2002
370 Decision by A/DCI Neil Hibberd, EDN000603001, 27 August 2002.
371 Witness statement of Cmdr Andre Baker, MPS102164001, pp165-166, 24 November 2011.
372 Witness statement of Dick Fedorcio to the Leveson Inquiry, EDN000690001, p20, 28 February 2012.
373 Panel interview with former Cmdr Andre Baker, PNL000256001, p3, 07 March 2018 and Panel interview with former DCS David Cook, PNL000209001, p9, para 46, 04 June 2015.

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Wade, that '*the boss*' did not want trouble with the *News of the World*. When asked to comment on this, Lord Stevens told the Panel that he did not know anything about Alex Marunchak's activities and the phrase '*the boss*' could have been a reference to any senior officer. He had never said anything which could be interpreted to suggest that if there was evidence of criminal behaviour that proceedings should not be brought. On the contrary, he was adamant that if there was evidence of criminal offences against Alex Marunchak then he should have been prosecuted. Lord Stevens said that he did not know Alex Marunchak and, as far as he knew, he had never met or spoken to him.[374]

151. In an interview with the Panel, Commander Andre Baker stated the following:

> *'I can remember the meeting as if it was yesterday, where each person sat and how Rebecca* [sic] *Wade reacted. Rebecca WADE was already in the office with Mr FEDORCIO when Dave COOK and I entered. Prior to going into the office Dave COOK briefly said to me that the meeting was about him (COOK) being followed. COOK told me about two men who were following him and mentioned, a Maracheck* [sic] *or something (Alex MARUNCHAK). Dave COOK put it to Rebecca WADE that somebody from the NOTW* [News of the World] *was paying to have him followed. WADE was dramatic in her response seemingly shocked and horror* [sic] *at COOK's suggestion. She gave assurances to COOK that she would get it stopped but added that she was totally unaware and surprised at such behaviour.'*[375]

152. In a statement provided to the Leveson Inquiry in 2012, Dick Fedorcio recorded that he had been asked to arrange the meeting by Commander Andre Baker '*to help them understand why Dave Cook had been the subject of media intrusion by the paper*'. He had '*phoned Rebekah Wade and she readily agreed to a meeting and this took place in* [his] *office at Scotland Yard on 9 January 2003 prior to an MPS* [Metropolitan Police Service] *media reception that she had been invited to attend that day*'.[376] Dick Fedorcio stated that:

> *'they talked about Cook's concerns namely a vehicle hanging around Cook's house or following him and people "doorstepping" Cook's wife, and asking Wade why it was being done. I think she mentioned something about them being told he was having an affair. It was essentially a "welfare" meeting for Cook, rather than an operational meeting to deal with the issue. Cook and Baker also told Wade they had information suggesting one of her journalists was being paid by Southern Investigators* [sic] *and that she should be aware* [....] *I made no record of the meeting.'*[377]

153. Having arranged the meeting to address the issue of the surveillance of DCS David Cook, Dick Fedorcio should have made a record of the meeting he attended with DCS Cook, Commander Andre Baker and Rebekah Wade.

154. On 06 March 2012, Lord Stevens was asked at the Leveson Inquiry whether he was aware that in about 2004,[378] Southern Investigations was gathering evidence on senior Metropolitan Police personnel, and some of the evidence related to their private lives, and whether he

374 Panel interview with Lord Stevens, pp8,9,11 & 12, 09 December 2020.
375 Panel Interview with former Cmdr Andre Baker, p3, 07 March 2018.
376 Witness statement of Dick Fedorcio to the Leveson Inquiry, EDN000690001, p20, 28 February 2012.
377 Witness Statement of Dick Fedorcio to the Leveson Inquiry, EDN000690001, pp20–21, 28 February 2012.
378 The Panel notes that reference to 2004 was in error, the surveillance occurred in 2002.

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knew that DCS David Cook, his wife, Jacqui Hames, and his family had been placed under surveillance by the *News of the World*. He said that he had not been aware of the surveillance and that he could not remember anyone mentioning it to him in person.[379]

155. Lord Stevens subsequently made a supplementary witness statement in which he said:

> *'I understand that Mr Fedorcio [then Director of Public Affairs and Internal Communication for the Metropolitan Police], will say that he informed me of a meeting which took place at New Scotland Yard on 9 January 2003 between Commander Baker, Detective Superintendent Cook [sic], Rebekah Brooks and Mr Fedorcio. I am also now informed that after the meeting, Mr Fedorcio arranged for Rebekah Brooks to attend a press reception at New Scotland Yard that I was present at.*
>
> *'This may well be an accurate account but I have no recollection or note of either their meeting or the content of what was discussed.*
>
> *'If the content of the meetings was as I have now been informed, I would expect there to be a formal record of it on the relevant case correspondence file.'*[380]

156. In an interview with the Panel in December 2020, Lord Stevens reiterated what he had told the Leveson Inquiry, saying that he was now aware that the meeting was to discuss the fact that DCS David Cook had been the target of surveillance by the *News of the World*[381] and that Dick Fedorcio had stated to the Leveson Inquiry that at the meeting Commander Andre Baker and DCS Cook '*told Wade they had information suggesting that one of her journalists was being paid by Southern Investigators* [sic] *and that she should be aware.*'[382]

157. Lord Stevens told the Panel that he was also aware that Dick Fedorcio had stated to the Leveson Inquiry that, following the meeting, he had escorted Rebekah Wade to a reception that she and the Commissioner were both attending and that he had told the Commissioner that he '*thought the meeting had been useful*'.[383] This reported comment by Dick Fedorcio suggested that the Commissioner knew about the nature of the meeting. Lord Stevens also reiterated what he told the Leveson Inquiry, namely that '[i]*f the content of the meetings was as I have now been informed, I would expect there to be a formal record of it on the relevant case correspondence file*'.[384]

158. Lord Stevens told the Panel that he found it surprising that Dick Fedorcio, according to his testimony to the Leveson Inquiry, had said that he had made no record of the meeting. He would have expected a note to have been made.[385]

379 Testimony of Lord Stevens to the Leveson Inquiry, Afternoon session, p10, 06 March 2012.
380 Witness statement of Lord Stevens to the Leveson Inquiry, p2, 23 March 2012.
381 Panel interview with Lord Stevens, p6, 09 December 2020.
382 Witness statement of Dick Fedorcio to the Leveson Inquiry, p21, 28 February 2012.
383 Witness statement of Dick Fedorcio to the Leveson Inquiry, p21, 28 February 2012.
384 Witness statement of Lord Stevens to the Leveson Inquiry, p2, 23 March 2012.
385 Panel interview with Lord Stevens, p7, 09 December 2020.

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159. Further attempts to discredit DCS David Cook were made in 2006 and 2007:

i. On 22 June 2006, DCS Cook reported that he had received a call from a journalist who had been at a function the previous evening and was told by Alex Marunchak and former DS John Ross (see Chapter 1, The Morgan One Investigation) that DCS Cook's wife was trying to start a media business which would put DCS Cook in direct conflict as a Metropolitan Police officer.[386]

ii. A message dated 06 December 2007, the day before DCS Cook retired from the Metropolitan Police, recorded that information had been received that Alex Marunchak was '*touting*' a false story to various media formats that DCS Cook had been ordered to resign '*over the American Express debacle at New Scotland Yard*'.[387] This was a reference to an anti-corruption investigation into misuse of Metropolitan Police credit cards.

160. In 2011, nine years after the incidents, an investigation into the attempts to gain information to discredit DCS David Cook and Jacqui Hames and the surveillance, by the *News of the World*, of the Cook family during the Abelard One/Morgan Two Investigation was conducted by the Metropolitan Police (see Chapter 10, Corruption).[388] Although former DS Sidney Fillery was Jonathan Rees's partner in Law & Commercial, the Metropolitan Police did not ask him any questions about the surveillance of DCS Cook at any stage.

161. Jacqui Hames was also told by the Metropolitan Police in this period that information relating to her and to former DCS David Cook had been found in a notebook belonging to a private investigator used by the *News of the World*. This information included: her payroll and warrant numbers; the name of the police section house in which she lived when she first joined the police in 1977; the name, location and telephone number of her place of work in 2002; her full home address and mobile phone number; and some notes about her previous husband and his work details. Former DCS Cook's name, telephone number, rank and reference to an '*appeal*' were also found. This was presumed to be a reference to the appeal for information on *Crimewatch* in 2002. The date at the top of the notes was 03 July 2002, ten days before the vehicles used by the *News of the World* began to appear outside the home of DCS Cook and Jacqui Hames.[389]

162. The investigation into the surveillance of DCS David Cook and the attempts to gain personal information about him and his wife Jacqui Hames, took place nine years after the incidents had occurred. There is no explanation in the papers available to the Panel as to why there was no full investigation into this matter previously.

163. Advice was sought on 02 December 2011 as to whether there were grounds to prosecute anyone for the surveillance in July 2002 of DCS David Cook.[390,391] On 06 December 2011, Gregor McGill, a Deputy Chief Crown Prosecutor in the Crown Prosecution Service London

386 Information report, EDN000012001, p1, 22 June 2006.
387 Message M965, EDN000081001, 06 December 2007.
388 Operation Tuleta report by DS Gary Dalby, MPS102164001, pp2-6, 02 December 2011.
389 Witness statement of Jacqui Hames to the Leveson Inquiry, p15, para 41, 22 February 2012.
390 Email message from DS Gary Dalby to DCS Hamish Campbell, MPS102164001, pp321-322, 15 May 2012.
391 '*Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS David Cook and his Wife Jacqui Hames by News of the World in July 2002*' by Gregor McGill, MPS102164001, pp8-11, 06 December 2011.

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Area, provided preliminary advice on this matter, but sought the answers to some questions before a final decision could be made.[392] The questions were answered on 21 December 2011[393] and on 27 January 2012, in Advice from Gregor McGill approved by Alison Levitt QC, Principal Legal Adviser to the Director of Public Prosecutions, that concluded, among other things, the following:

i. Former DS Sidney Fillery had had regular contact with Alex Marunchak over the relevant period (both before and after the incidents which formed the subject of the advice).

ii. Jonathan Rees made a number of large payments to Alex Marunchak over a number of years – a curious fact, given that normally journalists pay private investigators, not the other way around.

iii. Within a few days of the broadcast of *Crimewatch*, an effort was made to discover DCS Cook's home address. The technique used was that known as 'blagging'[394] – a man purporting to be from the Inland Revenue rang the Surrey Police asking for his details. The recipient of this call was suspicious and did not give any information.

iv. DCS Cook's personal details had been found written in a notebook belonging to Glenn Mulcaire, who had been employed by the *News of the World* on a freelance basis, who engaged in both phone-hacking and 'blagging' on the newspaper's behalf and who had provable links to Alex Marunchak, who tasked him on many occasions.

v. A few days after the attempt was made to obtain DCS Cook's home address, DCS Cook observed a suspicious blue van near his home and took the number plate. The van was leased to News International Limited.

vi. Two days later, officers conducting a covert surveillance operation noticed two vans near DCS Cook's home address. One was the same blue van, the other was a white Vauxhall Astra. The blue van was driven by an identified man who had a *News of the World* press pass. The Astra was driven by a *News of the World* staff photographer.

vii. These individuals had told police that they had been tasked by the *News of the World* to obtain photos of a police officer and the *Crimewatch* presenter. They had been told that they were having an affair.

viii. Subsequent investigation revealed that Alex Marunchak was the *News of the World* journalist '*investigating*' the affair.[395]

ix. The Advice from the Crown Prosecution Service concluded that, although there was no direct evidence, a jury would be entitled to infer that the tip-off about the '*affair*' was likely to have come from Southern Investigations, for the following reasons:

    a. Southern Investigations were a firm of private investigators, and as such were likely to seek out or otherwise become aware of gossip and rumour.

392 '*Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS David Cook and his Wife Jacqui Hames by News of the World in July 2002*' by Gregor McGill, MPS102164001, pp8-11, 06 December 2011.

393 '*Further report and Response to Questions and Advice from Gregor McGill*', MPS102164001, pp13-14, 21 December 2011.

394 Pretending to be someone entitled to access to an individual's personal information in order to fraudulently obtain the data, often by telephone or email.

395 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by News of the World in July 2002*' by Gregor McGill and Alison Levitt QC, MPS102164001, pp17-19, 27 January 2012.

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b. They had links with the *News of the World*.

c. '[T]*he timing could not possibly be a coincidence*.'

d. The tip-off must have come from a source which the *News of the World* journalists trusted to the extent that they would not question it, given that a very brief investigation would have revealed that this was not a story at all.[396]

164. The Advice stated that '*it was reasonable to infer that if the tip-off was from Southern Investigations, the target would have been DCS COOK and the motive/intention of Jonathan REES and/or Sidney FILLERY would have been to attempt to disrupt the police investigation*'.[397]

165. However, the Advice said it did not think that it was possible to infer that the motive/intention of Alex Marunchak and Glenn Mulcaire must necessarily have been to disrupt the investigation, and that given that Jacqui Hames was a public personality with a high profile, a story suggesting that she was having an affair with a police officer would be attractive to the *News of the World* in its own right.

166. The Advice also said that the fact that the story was plainly nonsense gave rise to a possibility that Alex Marunchak and Glenn Mulcaire may in fact have been deceived, asserting that they would hardly have deployed photographers had they known the story to be untrue, as they would have recognised not only that it was likely to unravel within a very short time, but that had they published a wholly and demonstrably false story, it might have affected their own jobs.[398] The Advice from Gregor McGill concluded that a jury might decide that the intention of the journalists was merely to run a typical *News of the World* '*expose, rather than to pervert the course of justice*'.[399]

167. The Advice also referred to the fact that journalists normally pay investigators, rather than investigators paying journalists,[400] considering:

> *'whether the payments made by Southern Investigations to AM [Alex Marunchak] would be evidence from which a jury might infer that they had paid him to investigate or write this story (which would arguably be incompatible with his having acted solely as an investigative journalist). I have concluded that although it is plainly highly suspicious, the payments cannot be linked to this incident, and are not sufficient to undermine the points made above.'*[401]

168. They therefore determined that '*there is insufficient evidence to substantiate any allegation of doing an act with a tendency to pervert the course of public justice against any presently identified suspect in this investigation*'.[402]

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396 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by News of the World in July 2002*' by Gregor McGill and Alison Levitt QC, MPS102164001, p19, 27 January 2012.
397 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by News of the World in July 2002*' by Gregor McGill and Alison Levitt QC, MPS102164001, p19, 27 January 2012.
398 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by News of the World in July 2002*' by Gregor McGill and Alison Levitt QC, MPS102164001, pp19-20, 27 January 2012.
399 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by News of the World in July 2002*' by Gregor McGill and Alison Levitt QC, MPS102164001, p20, 27 January 2012.
400 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by News of the World in July 2002*' by Gregor McGill and Alison Levitt QC, MPS102164001, p17, 27 January 2012.
401 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by News of the World in July 2002*' by Gregor McGill and Alison Levitt QC, MPS102164001, p20, 27 January 2012.
402 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by News of the World in July 2002*' by Gregor McGill and Alison Levitt QC, MPS102164001, p21, 27 January 2012.

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169. The Panel has not seen any direct evidence proving that the *News of the World* surveillance of DCS David Cook was instigated by either Jonathan Rees or former DS Sidney Fillery. However, the circumstantial evidence, as set out above, suggests very strongly that the intrusive activity suffered by DCS Cook, his wife, Jacqui Hames, and their family was arranged by former DS Fillery and Alex Marunchak with a view to discrediting DCS Cook and/or to intimidate him and thus disrupt the Abelard One/ Morgan Two Investigation.

170. DCS David Cook has told the Panel that the intrusive activities which he suffered in 2002 caused him considerable anxiety. Although the Metropolitan Police acted rapidly to identify those responsible for the surveillance identified by DCS Cook on 10, 11 and 12 July 2002, they did not treat this as a possible crime, but dealt with it, six months later, by means of a '*welfare meeting*' for DCS Cook. This was an inappropriate way to deal with such activity at a critical time in the new Abelard One/Morgan Two Investigation. It should not have taken nine years to investigate this matter properly. This matter is dealt with further in Chapter 10.

9 Witnesses and other contacts named in the recommendations from the 2000 Murder Review Report

171. In parallel with the commencement of surveillance and the preparation of the *Crimewatch* programme, DCS David Cook considered the recommendations of the 2000 Murder Review Report. These recommendations formed the basis for the Morgan Two Investigation.[403]

172. The 2000 Murder Review Report did not recommend interviewing Jonathan Rees, whom it named as being the key suspect, but recommended investigation of Jonathan Rees's former police contacts, his co-defendants in the conspiracy to pervert the course of justice case,[404] his family connections and his business activities.

9.1 Jonathan Rees's former police contacts

173. Jonathan Rees had various police contacts as part of his professional life, and the 2000 Murder Review Report noted that several of his close associates were serving prison sentences for corruption and other matters. Recommendations were made in respect of some of those officers and former officers.

9.1.1 Police Officer E1

174. Police Officer E1, who at the time of Daniel Morgan's murder was a police officer in South East London acquainted with both Daniel Morgan and Jonathan Rees, had been convicted in 1998 and subsequently sentenced in 2000 to imprisonment for three years and eleven months[405]

403 2000 Murder Review Report, MPS020525001, pp13-28, 06 October 2000.
404 2000 Murder Review Report, MPS020525001, pp31-35, 06 October 2000.
405 R v Thomas Kingston, Thomas Reynolds and Terence O'Connell [2014] EWCA Crim 1420, MPS109536001, p3, 09 July 2014.

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for committing several offences, but was released by August 2000.[406,407,408] He had previously provided witness statements to both the Morgan One and Hampshire/Police Complaints Authority investigations.[409,410,411] Police Officer E1 had also been debriefed by the Directorate of Professional Standards following his arrest in July 1998.[412]

175. When spoken to, Police Officer E1 '*was unable to provide any useful information regarding the murder*'.[413]

9.1.2 Former DC Thomas Kingston

176. Former DC Thomas Kingston had been a police officer with the South East Regional Crime Squad.[414] During Operation Nigeria/Two Bridges, there was evidence that he had conversations with both former DS Sidney Fillery and Jonathan Rees about Daniel Morgan's murder.[415,416] Those conversations have been reviewed by the Panel and are in very general terms. In 2000, he had been convicted and sentenced with others to a term of imprisonment of three years and six months for supplying controlled drugs stolen during police raids.[417] He was reported to have undertaken surveillance work for Law & Commercial while awaiting trial.[418] The Murder Review Report recommended that he be interviewed about all he knew in relation to Daniel Morgan's murder.[419] A message was left with his solicitor, but former DC Kingston declined to make contact with the Abelard One/Morgan Two Investigation.[420,421]

9.1.3 Former DC Duncan Hanrahan

177. Former DC Duncan Hanrahan had been sentenced to imprisonment in 1999 (See Chapter 4, Operation Nigeria/Two Bridges), but he had since been released. His role in the Morgan One Investigation is described in Chapter 1, The Morgan One Investigation. It was recommended that he be interviewed about his knowledge of the murder.[422] Preliminary investigative work (including surveillance of former DC Hanrahan) was carried out and nothing to link him in any way to the murder of Daniel Morgan was found.[423] A decision was made by DCS David Cook on

406 2000 Murder Review Report, MPS020525001, p32, 06 October 2000.
407 Regina v Christopher Drury, Robert Clark, Thomas Reynolds, Terance O'Connell, Thomas Kingston [2011] WL 415616, CLA000119001, pp1, 3 and 7, 11 April 2001.
408 Despite being sentenced in 2000 to several years imprisonment, the parole provisions meant that he only served half the sentence in custody and any time spent on remand before sentence was passed, had been taken off the total, thereby enabling release within the same year, 2000.
409 2000 Murder Review Report, MPS020525001, p32, 06 October 2000.
410 Witness statement of Police Officer E1, MPS010381001, 16 April 1987.
411 Witness statement of Police Officer E1, MPS010385001, 01 December 1988.
412 Regina v Christopher Drury, Robert Clark, Thomas Reynolds, Terance O'Connell, Thomas Kingston [2011] WL 415616, CLA000119001, pp3-4, 11 April 2001.
413 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p129, undated.
414 Regina v Christopher Drury, Robert Clark, Thomas Reynolds, Terance O'Connell, Thomas Kingston [2011] WL 415616, CLA000119001, p1, 11 April 2001.
415 Document D1831, '*Enhanced summary transcript from* [Southern Investigations] *on 06/07/1999*', MPS009957001, 27 February 2008.
416 Transcript of conversation at Southern Investigations, MPS000761001, pp14 and 18, 07 July 1999.
417 Regina v Christopher Drury, Robert Clark, Thomas Reynolds, Terance O'Connell, Thomas Kingston [2011] WL 415616, CLA000119001, p27, 11 April 2001.
418 2000 Murder Review Report, MPS020525001, p33, 06 October 2000.
419 2000 Murder Review Report, Recommendation 9, MPS020525001, p33, 06 October 2000.
420 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p129, undated.
421 Action A44, MPS059428001, pp1-2, 27 June 2003.
422 2000 Murder Review Report, Recommendation 10, MPS020525001, p33, 06 October 2000.
423 '*Update report Operation Abelard*', MPS048416001, p5, 13 November 2002.

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04 October 2002 to interview former DC Hanrahan.[424] On 08 October 2002, former DC Hanrahan spoke to the police at his solicitor's office.[425] He confirmed information which he had previously provided (see paragraph 227 below).

9.1.4 Other former police officers

178. It was suggested that three former officers, former DS Alec Leighton, former DC Nigel Grayston and a former Police Constable, who had not been convicted of any criminal offence, should be monitored as the investigation progressed and, if necessary, approached to see whether they could provide any information to the murder investigation.[426] The former Police Constable was visited by the Abelard One/Morgan Two Investigation on 27 June 2003. He said that he knew nothing about the murder of Daniel Morgan and that '*it was never discussed*'.[427] After some further investigation it was decided on 09 June 2003 that '*conducting research on LEIGHTON adds no value at this time*'.[428] No further enquiries were made. There is no record that former DC Grayston, who was known to be associated with Jonathan Rees, was approached.

9.2 Jonathan Rees's co-defendants

179. Jonathan Rees was in prison on remand at the time of the Murder Review awaiting trial for perverting the course of justice in an unrelated matter (see Chapter 4, Operation Nigeria/Two Bridges). His co-defendants were Simon James, James Cook, DC Austin Warnes and David Courtney, and it was recommended that Simon James should be interviewed to see whether he could assist the murder investigation.[429] The 2000 Murder Review Report had also suggested that, if the other co-defendants were convicted, they should be interviewed in an attempt to gain information which might assist the murder investigation.[430]

180. In August 2002, the Abelard One/Morgan Two Investigation contacted the prison where former DC Simon James was serving his sentence. Former DC James reportedly responded by saying that having seen the *Crimewatch* appeal about Daniel Morgan's murder, he was expecting the police to approach him but '*had nothing to say*' and '*would not agree to* [the police's] *visit*'.[431] All of Jonathan Rees's co-defendants were approached. They provided no evidence to assist the investigation.

9.3 Jonathan Rees's family connections

181. The 2000 Murder Review Report recommended that Jonathan Rees's family connections in Yorkshire be identified and consideration given to conducting background interviews.[432] Several family members were visited but were reported to have provided no useful information.[433]

424 Decision of DCS David Cook, EDN001003001, 04 October 2002.
425 A227, MPS059661001, pp1-2, returned 09 October 2002.
426 2000 Murder Review Report, MPS020525001, p34, 06 October 2000.
427 A343, '*TI* […] *N448 an ex police officer who worked for Law and Commercial regarding knowledge of the Morgan murder*', MPS059783001, p1, 27 June 2003.
428 '*ACTIONS AND RESULTS RE LEIGHTON N100 (ALL INVESTIGATIONS)*', MPS102246001, p3, undated.
429 2000 Murder Review Report, Recommendation 11, MPS020525001, pp34-35, 06 October 2000.
430 2000 Murder Review Report, MPS020525001, p34, 06 October 2000.
431 Action A98, MPS059507001, pp1-2, 08 August 2002.
432 2000 Murder Review Report, Recommendation 12, MPS020525001, p35, 06 October 2000.
433 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p129, undated.

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182. Sharon Rees, by then Jonathan Rees's former wife, was seen twice by police. Although she lived in a house owned by Jonathan Rees, she reported that she had no contact with him. She said she could provide no further information regarding the death of Daniel Morgan.[434,435,436]

9.4 Jonathan Rees's business contacts

183. Following recommendations made in the Murder Review Report, DCS David Cook investigated a number of Jonathan Rees's business contacts.[437,438,439]

9.4.1 William Newton

184. William Newton, who had been employed as an accountant for Southern Investigations at the time of Daniel Morgan's murder,[440,441] had provided information to previous investigations, particularly with reference to James Ward (see Chapter 1, The Morgan One Investigation, and Chapter 4, Operation Nigeria/Two Bridges). The 2000 Murder Review Report recommended that William Newton be re-interviewed.[442] The report stated that James Ward's wife, Jacqueline Ward, needed to be interviewed to establish if she could corroborate William Newton's version of events.[443] It also recommended that a prison officer, who William Newton had said had told him that the murder was a '*contract killing*', be found and interviewed for the same reason.[444]

185. William Newton made a statement on 10 July 2002.[445]

186. He said he had spoken to a prison officer who '*had heard of the HP murder*'.[446,447] He also stated that while he was visiting his client Jacqueline Ward, who was the wife of James Ward, James Ward had referred to '*the HP murder*'[448] and said that '*the murder had to be committed by somebody who was immensely strong and the person who did it was Paul GOODRIDGE*'[449] (an associate of Jonathan Rees).

187. Attempts were made to trace and interview the prison officer who had '*heard of the HP murder*', but William Newton had no further information for the investigation team to do so.[450]

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434 Action A94, MPS059502001, p1, 01 July 2002.
435 Action A225, MPS059659001, p1, 14 October 2002.
436 Action A40, MPS059424001, p1, 17 July 2002.
437 2000 Murder Review Report, Recommendation 13, MPS020525001, p35, 06 October 2000.
438 2000 Murder Review Report, Recommendation 40, MPS020525001, p50, 06 October 2000.
439 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, pp130 and 135, undated.
440 Document D933, Information report regarding meeting with William Newton, MPS072518001, pp7-8, 06 October 1999.
441 2000 Murder Review Report, MPS020525001, pp38-39, 06 October 2000.
442 2000 Murder Review Report, Recommendation 19, MPS020525001, p39, 06 October 2000.
443 2000 Murder Review Report, MPS020525001, p39, para 6.9.45, 06 October 2000.
444 2000 Murder Review Report, MPS020525001, p39, paras 6.9.44-6.9.46, 06 October 2000.
445 Witness statement of William Newton, MPS062384001, 10 July 2002.
446 Witness statement of William Newton, MPS062384001, p4, 10 July 2002.
447 The Panel understands the reference to 'HP murder' to be a 'hire purchase murder'. This relates to the allegation that Daniel Morgan's murder was a contract killing and paid for in instalments.
448 Witness statement of William Newton, MPS062384001, pp3-4, 10 July 2002.
449 Witness statement of William Newton, MPS062384001, p5, 10 July 2002.
450 Action A49, MPS059433001, pp2-3,17 July 2002.

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9.4.2 John Peacock

188. John Peacock had been casually employed at Southern Investigations prior to Daniel Morgan's murder.[451] He had been employed by Jonathan Rees at Belmont Car Auctions in 1986 and had given statements on five previous occasions about matters relating to the murder of Daniel Morgan.[452,453,454,455,456] The 2000 Murder Review had examined this evidence and concluded:

> *'It is clear that PEACOCK had an allegiance to REES. His statements are very loose and non-committal concerning the relationship between both REES and MORGAN, and concerning Margaret HARRISON. There are some reservations concerning his accounts, for example failing to recall the names of his colleagues whom he worked alongside for some four to six weeks at the Belmont Car Auctions.'*[457]

189. Later in the Murder Review Report, it was stated that John Peacock:

> *'was laid off from his casual employment at Belmont Car Auctions one week before John* [sic] *REES made the allegation of robbery of £18000. This may have been deliberate if REES felt PEACOCK had allegiance to MORGAN.'*[458]

190. The Murder Review Report recommended that '*the current position of PEACOCK is assessed*'.[459]

191. John Peacock was approached by officers and provided with copies of three of the statements which he had made to the Morgan One investigation, and the evidence he had given at the Inquest.[460] He made a further statement and said that these statements were '*accurate and were true to the best of my knowledge and belief at the time that I made them*'.[461] This statement covered a range of topics:

i. Daniel Morgan's and Jonathan Rees's relationship;

ii. Belmont Car Auctions and the robbery of money from Jonathan Rees;

iii. Daniel Morgan allegedly stealing £12,000 from Southern Investigations;

iv. Work done by Southern Investigations for the *News of the World*; and

v. A conversation allegedly overheard between Jonathan Rees and former DS Sidney Fillery at the Inquest into Daniel Morgan's death.[462]

451 Witness statement of John Peacock, MPS010533001, pp1-2, 07 April 1987.
452 Witness statement of John Peacock, MPS010533001, 07 April 1987.
453 Witness statement of John Peacock, MPS010537001, 21 July 1987.
454 Witness statement of John Peacock, MPS010540001, 24 September 1987.
455 Witness statement of John Peacock, MPS010544001, 12 October 1987.
456 Witness statement of John Peacock, MPS010545001, 03 November 1987.
457 2000 Murder Review Report, MPS020525001, pp17-19, 06 October 2000.
458 2000 Murder Review Report, MPS020525001, p40, 06 October 2000.
459 2000 Murder Review Report, Recommendation 3, MPS020525001, p83, 06 October 2000.
460 Witness statement of John Peacock, MPS062398001, p1, 27 September 2002.
461 Witness statement of John Peacock, MPS062398001, p1, 27 September 2002.
462 Witness statement of John Peacock, MPS062398001, pp6-10, 27 September 2002.

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192. John Peacock's earlier evidence had stated that, '[a]*s far as I know Daniel and John* [sic] *Rees got on well. They had their "ups and downs" but I am not aware that there were any problems between them concerning the business*'.[463] This is compatible with his position in the 2002 statement: '*I have been asked about arguments between REES and MORGAN but to the best of my knowledge there were no big problems between them just the normal business arguments between partners*'.[464] However, he also said in the same statement that towards the end of Daniel Morgan's and Jonathan Rees's relationship, there was '*unrest*' between them and Jonathan Rees wanted to split from Daniel Morgan.[465] He described offensive language exchanged between them, but emphasised that he understood this to be a '*joke*'.[466] Likewise, in relation to Jonathan Rees allegedly saying that he wanted to get Daniel Morgan '*bopped off*", he stated that '[n]*o one took it as a serious comment about intending to kill MORGAN and I don't believe it was meant to be*'.[467]

193. John Peacock was asked about Southern Investigations' involvement with Belmont Car Auctions.[468] He provided new information that Jonathan Rees made him believe that the officers who attended were '*"tooled up" ie carrying firearms*'.[469] He stated that he could not remember the names of the police officers at the auctions apart from former DS Sidney Fillery.[470] He stated that he was suspicious of why he had been taken off security on the night on which Jonathan Rees had been robbed:[471]

> *'What I can say is that if it were a ploy to rip MORGAN off I would not have allowed it to happen and that may be why I was excluded on the night. Having said that REES has never indicated to me that he wasn't really robbed. I accepted at the time that it was a financial decision for me not to work on that night and I accept that people were being taken off and the numbers were being reduced.'*[472]

194. John Peacock had told the Morgan One investigation that Jonathan Rees has told him that Daniel Morgan had stolen £12,000 from Southern Investigations. When asked about this, he stated that '*I do not recall ever saying this and can not recall any knowledge of such an allegation*'.[473]

195. The first available *News of the World* transaction(s), among the papers relating to the investigation of Daniel Morgan's murder, was dated October 1988, and was for the sum of £1,305.25.[474] When asked when Southern Investigations began to work for the *News of the World*, John Peacock stated: '*I can recall that at some time and I can only say about the time of the murder, REES had indicated to me that there was going to be some work done with the News of the World. He never told me what it was about or who it involved and as far as I know I have never done any work associated to the News of the World to my knowledge*.'[475]

463 Witness statement of John Peacock, MPS010533001, p7, 07 April 1987.
464 Witness statement of John Peacock, MPS062398001, p6, 27 September 2002.
465 Witness statement of John Peacock, MPS062398001, p6, 27 September 2002.
466 Witness statement of John Peacock, MPS062398001, pp6-7, 27 September 2002.
467 Witness statement of John Peacock, MPS062398001, p7, 27 September 2002.
468 Witness statement of John Peacock, MPS062398001, p7, 27 September 2002.
469 Witness statement of John Peacock, MPS062398001, p8, 27 September 2002.
470 Witness statement of John Peacock, MPS062398001, p8, 27 September 2002.
471 Witness statement of John Peacock, MPS062398001, p8, 27 September 2002.
472 Witness statement of John Peacock, MPS062398001, p8, 27 September 2002.
473 Witness statement of John Peacock, MPS062398001, p9, 27 September 2002.
474 '*Financial Profile Southern Investigations*', MPS008128001, p23, undated.
475 Witness statement of John Peacock, MPS062398001, pp9-10, 27 September 2002.

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196. John Peacock provided new information in his 2002 statement on a conversation he had overheard between Jonathan Rees and former DS Sidney Fillery at the Inquest into Daniel Morgan's death:

> *'As far as the inquest is concerned, there is something that happened that may be of interest. On one of the days I went to lunch with REES and FILLERY. I heard conversation between them discussing access to statements relating to the murder and FILLERY intimated that he would or could get a copy of them from Catford. I don't know if he ever did.'*[476]

197. John Peacock's evidence in relation to two issues was presented in DCS David Cook's advice file to the Crown Prosecution Service.[477] John Peacock had been suspicious about being '*excluded*' on the night of the Belmont Car Auctions robbery.[478,479] That robbery was viewed by DCS Cook as part of Jonathan Rees's possible motive to murder Daniel Morgan.[480] In addition, John Peacock was regarded as providing '*limited corroboration for LENNON's claims that REES said he wanted MORGAN murdered*'.[481]

9.5 Jacqueline and James Ward

198. At the time of the Abelard One/Morgan Two Investigation, Jacqueline and James Ward were being investigated for money laundering. The 2000 Murder Review Report recommended that the investigation be monitored, and the Wards be re-interviewed in due course.[482] Police visited the home of James Ward, a close associate of Garry Vian, on 30 September 2002. They left a message with Jacqueline Ward asking James Ward to contact the investigation team. Jacqueline Ward was unable to assist the investigation and was reluctant to provide contact details for her husband. James Ward contacted the police and met with the investigation team the following day on 01 October 2002, in the presence of his solicitor.[483,484,485,486] He denied making comments about the murder to William Newton.[487]

10 The second period of covert surveillance: 30 September – 16 November 2002

199. On 30 September 2002, the second proactive phase of the covert Abelard One/Morgan Two Investigation began.[488] During Autumn 2002, the investigation made a large number of visits to persons close to the key suspects with a view to prompting conversations by and between the key suspects.

476 Witness statement of John Peacock, MPS062398001, p10, 27 September 2002.
477 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp18, 121 and 122, 07 March 2003.
478 Witness statement of John Peacock, MPS062398001, p8, 27 September 2002.
479 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p18, 07 March 2003.
480 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp21-22, 07 March 2003.
481 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p121-122, 07 March 2003.
482 2000 Murder Review Report, Recommendation 21, MPS020525001, p39, 06 October 2000.
483 Action A50, MPS059435001, pp2-3, 08 October 2002.
484 Action A51, MPS059440001, pp2-3, 08 October 2002.
485 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p87, 07 March 2003.
486 D1896, '*Schedule of Trigger Events Associated Evidence*', Abelard Two Investigation document, MPS072569001, p11, undated.
487 Action A51, MPS059440001, pp2-3, 08 October 2002.
488 '*Intelligence Update from Phase 1*', MPS048094001, p1, 30 September 2002.

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200. Four people were arrested: Person P9 on 03 October 2002, James Cook on 07 October 2002, Garry Vian on 19 October 2002 and Glenn Vian on 24 October 2002.[489,490,491,492]

10.1 Surveillance of Person P9, James Cook, Glenn Vian and former DC Duncan Hanrahan

201. As stated above (see paragraph 48), on 23 July 2002, Person F11 had contacted DCS David Cook[493] and said that he had spoken to Person P9 (whom he had previously said had stored the getaway vehicle after the murder), who had said that on the night of Daniel Morgan's murder he was supposed to be having a meal with James Cook at a public house. However, when James Cook turned up, he did not want anything to eat; he looked pale and just wanted to leave the area.[494]

202. Person P9 and Glenn Vian were placed under further surveillance on 30 September 2002.[495,496,497]

203. The 2000 Murder Review Report had noted that DC Duncan Hanrahan had been '*used by Detective Superintendent* [Douglas] *CAMPBELL to* "*befriend*" [Jonathan] *REES'* and report back to the Morgan One Investigation.[498] The 2000 Murder Review Report said that it was likely that DC Hanrahan was '*always sympathetic to REES's case*', but noted that he had been the night duty Criminal Investigation Department (CID) officer when Jonathan Rees had allegedly been robbed near his home of the monies from Belmont Car Auctions (see Chapter 1, The Morgan One Investigation).[499]

204. Former DC Duncan Hanrahan '*apparently was well known*' to Person P9 and James Cook.[500] Information had been received from Person F11 on 25 June 2002 suggesting that former DC Hanrahan had been involved in the murder and had telephoned Daniel Morgan on 10 March 1987 in order to arrange '*a meet in the* [Golden Lion public house] *car park*'.[501]

205. The intelligence from Person F11 recorded on 25 June 2002 is the only suggestion, of which the Panel is aware, that DC Duncan Hanrahan had made a telephone call to lure Daniel Morgan to the meeting where he was murdered. The Panel has seen nothing to substantiate or to corroborate this suggestion, or the more general allegation that former DC Hanrahan was involved in the murder.

489 Custody record of Person P9, MPS061350001, 03 October 2002.
490 Custody record of James Cook, MPS061483001, 07 October 2002.
491 Custody record of Garry Vian, MPS061455001, 19 October 2002.
492 Custody record of Glenn Vian, MPS102388001, 24 October 2002.
493 Message M57, MPS059917001, p1, 23 July 2002.
494 Message M57, MPS059917001, p1, 23 July 2002.
495 '*Handing over report*', MPS048745001, pp1-2, 30 September 2002.
496 '*OP. ABELARD – ORIGINAL SURVEILLANCE TEAM BRIEFING PACK – PHASE 2*', Person P9, MPS046834001, undated.
497 *OP. ABELARD – PHASE 2 -ORIGINAL SURVEILLANCE TEAM BRIEFING PACE* [sic]', Glenn VIAN, MPS046836001, undated.
498 2000 Murder Review Report, MPS020525001, p33, 06 October 2000.
499 2000 Murder Review Report, MPS020525001, p33, 06 October 2000.
500 2000 Murder Review Report, MPS020525001, p33, 06 October 2000.
501 Intelligence report, MPS048674001, pp1-2, 26 June 2002.

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206. Former DC Duncan Hanrahan was under surveillance from 30 September 2002[502] until 15 October 2002.[503] Nothing relevant to the investigation was identified, and it was reported that during this time '*he led an extremely routine lifestyle*'.[504] He was visited and was stated to have provided no useful information although he said that the officer investigating the robbery of Jonathan Rees in 1986 had not carried out a thorough investigation.[505,506]

10.1.1 The arrest of Person P9

207. On 03 October 2002, Person P9 was arrested in connection with the murder of Daniel Morgan[507] and a search was made of his premises and outbuildings.[508] He was taken to Croydon Police Station.[509] It was hoped the news of an arrest would stimulate conversations between '[James] *COOK,* [Glenn] *VIAN, FILLERY or HANRAHAN*'.[510]

208. On his arrest, Person P9 said: '*Its* [sic] *nothing to do with me.*'[511] In interview he was then asked about James Cook and his own alleged part in looking after a getaway vehicle involved in Daniel Morgan's murder. He explained that he had looked after several vehicles for James Cook. He denied knowing Daniel Morgan but said he had been introduced to Jonathan Rees by James Cook. He was unsure whether he met Jonathan Rees before or after the murder.[512]

209. Some 15 minutes into the interview at 08.25 am there was a toilet break, during which Person P9 spoke to a Detective Sergeant in the detention room toilet, and said that on the night of the murder James Cook had met him for a meal at a restaurant, and claimed that he had been standing over Daniel Morgan's body, while the axe was in his head, and that Daniel Morgan's body was '*gurgling*'.[513] He said that the vehicle used on the night was a pale green Volkswagen Polo. He also said that he would not say it on tape.[514] The Detective Sergeant made a note of this conversation.[515] Person P9 was released on bail without charge, to return on 10 October 2002.[516,517]

210. The covert audio surveillance recording shows that when Person P9 returned home on 03 October 2002, he spoke to his partner about his arrest.[518] He told her, '*I told them everything*', to which she replied, '*I bloody hope so*.'[519]

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502 '*Handing over report*', MPS048797001, pp2-3, 30 September 2002.
503 ''*Handing over report*', MPS048778001, pp3-4,15 October 2002.
504 '*Update report Operation Abelard*', MPS046660001, p8, 13 November 2002.
505 Action A227 '*Interview HANRAHAN N38 re any useful information particularly as to the Belmont car auction and the alleged robbery of REES N3*', MPS059661001, 09 October 2002.
506 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p129, undated.
507 Custody record of Person P9, MPS061350001, 03 October 2002.
508 Witness statement of a Detective Constable, MPS062415001, 10 April 2003.
509 Custody record of Person P9, MPS061350001, p2, 03 October 2002.
510 '*SIO Sensitive Decision Log*', MPS072551001, pp15-16, 19 September 2002.
511 Witness statement of a Detective Sergeant, MPS062399001, 15 October 2002.
512 Interview of Person P9, MPS060205001, pp1-2, 03 October 2002.
513 Witness statement of the Detective Sergeant, MPS062402001, pp1 and 3, 28 July 2003.
514 Witness statement of the Detective Sergeant, MPS062402001, pp1 and 3, 28 July 2003.
515 Incident report book entry made by the Detective Sergeant, MPS061364001, p3, 03 October 2002
516 Custody Record of Person P9, MPS061350001, p11, 03 October 2002.
517 If at any time a custody officer becomes aware, in relation to any person in police detention, that the grounds for the detention of that person have ceased to apply it shall be the duty of the custody officer to order his immediate release from custody. The person shall be released on bail if there is a need for further investigation of any matter in connection with which the person was detained at any time during the person's detention, Police and Criminal Evidence Act 1984, sections 2, 3, 5 and 5A. (The detention of Person P9 had initially been authorised by the custody officer at Croydon in order to obtain evidence by way of questioning).
518 Enhanced audio tape summary, MPS103432001, 03 October 2002.
519 Enhanced audio tape summary, MPS103432001, p3, 03 October 2002.

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211. Another woman who had lived with Person P9 was traced.[520,521,522] She was spoken to on three separate occasions between July and October 2002.[523,524,525] On the day of Person P9's arrest, she confirmed the address of a garage which had been used by Person P9 and confirmed where they had been living at the time of Daniel Morgan's murder. She stated that Person P9 had also used a garage which belonged to his mother, for which he paid £14 a month.[526] A request was made to research the garage address of Person P9's mother but was not carried out. It was deemed not to add value to the investigation because of the passage of time.[527] On 04 October 2002**,** DCS David Cook made a decision to release information about the colour and make of the alleged getaway vehicle (the pale green Volkswagen Polo) to the press. It was anticipated that the release of the vehicle's details into the public domain would act as a useful trigger.[528]

212. As stated above (see paragraph 50), on 04 October 2002, DCS David Cook reported that Person F11 had also been told by Person P9 that James Cook and Glenn Vian had been paid £3,000 each by Jonathan Rees to murder Daniel Morgan.[529]

213. The notes made of the conversation on 03 October 2002 were put to Person P9 when he returned for a further interview on 10 October 2002. He was reminded that '*there was nothing off the record and nothing confidential*' at the 03 October 2002 interview.[530] He made no comment. Person P9 was then '*released with no further action being taken at this stage*'.[531]

10.1.2 The response to the arrest of Person P9

214. T/D/Supt David Zinzan recorded that '[t]*he fact of* [Person P9's] *arrest, without naming him, was the subject of press releases, together with the new intelligence regarding the description of the vehicle used*'.[532] T/D/Supt Zinzan went on to say that '*significant conversation was recorded in relation to most of the suspects*'.[533] The age of the man arrested, 46, was given out by police in a press release[534] in order to stimulate conversation among suspects.[535] Person P9 was 46.[536]

215. On 03 October 2002, following Person P9's arrest, there was a series of telephone calls between former DS Sidney Fillery and other individuals:

i. Former DS Fillery telephoned Margaret Harrison at 8.17 am;[537]

ii. '*At 11.59hrs a telephone conference call took place between telephone numbers registered to HMP FORD,* […] *and* [Glenn] *VIAN's home address. Mrs VIAN took the call as her husband was out, and there was a discussion with "John" about the*

520 D318, Intelligence report for research on the woman, MPS047023001, pp2-3, 22 January 2002.
521 D373, Intelligence report, for research on the woman, MPS047058001, pp2-3, 11 June 2002.
522 D372, Intelligence reports for research on the woman, MPS047057001, 14 to 21 June 2002.
523 Message M31, MPS059891001, pp3-4, 02 July 2002.
524 Message M62, MPS059922001, p2, 12 September 2002.
525 Message M68, MPS059928001, pp3-4, 06 October 2002.
526 Message M68, MPS059928001, pp3-4, 06 October 2002.
527 Action A223, MPS059657001, p1, 09 June 2003.
528 Document D19, '*SIO SENSITIVE DECISION LOG*', MPS072551001, p26, 04 October 2002.
529 Document D64, Intelligence report, MPS061356001, p3, 04 October 2002.
530 Interview of Person P9, MPS075045001, pp3-6, 10 October 2002.
531 Custody record of Person P9, MPS061350001, p35, 10 October 2002.
532 Document D786, '*Op Abelard Update*', MPS048416001, pp3-4, 13 November 2002.
533 Document D786, '*Op Abelard Update*', MPS048416001, p4, 13 November 2002.
534 Intelligence report regarding Evening Standard article of 03 October 2002, MPS054102001, p3, 03 October 2002.
535 Minutes of Meeting, MPS040546001, p2, 06 August 2002.
536 *'Briefing Sheet – background* [Person P9]', MPS047979001, p13, undated.
537 Abelard Two Investigation report, MPS103338001, p135, 13 June 2007.

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investigation and the fact that the police had visited [James] *WARD'.* James Ward was an associate of the Vian brothers.[538,539] A second conference call between the prison where Jonathan Rees was a prisoner and Glenn Vian's home address took place at 6.06 pm[540] and again Kim Vian talked with '*John*'. There was some discussion about the age 46 which was given on the television and the fact that '*he*' (unknown) was 50 last year;[541] and

iii. Alex Marunchak of the *News of the World* attempted to contact former DS Fillery on six occasions between 8.45 am and 9.25 am. At 9.27 am and 10.39 am, two telephone calls were made, each lasting less than two minutes, however the records do not definitively show whether these calls were short conversations between the two individuals, or an answerphone message left by Alex Marunchak.[542]

216. There was also further discussion between Glenn and Kim Vian about the arrest. Watching television, Glenn Vian said, '*46 what a throw up* (responding to the television where 46 years of age mentioned) *innit that geezer 2 years older than me*'. Kim Vian said to her husband, '[t]*hey got him. They know that he knows something and that he ain't saying nothing*.'[543] The investigation believed that this was a reference to Person P9 and his knowledge about the murder.[544] Glenn Vian, in the same conversation, said '[t]*hey'll wipe my arse if I crack*'.[545,546]

10.1.3 James Cook's alibi

217. On 03 October 2002, the day of Person P9's arrest,[547] James Cook took Person D28 and Person D29 out for dinner.[548,549] Person D28 and Person D29 were in their sixties, and had known James Cook for 35 years as James Cook was a childhood friend of Person D28 and Person D29's son.[550,551] By this time there had been considerable speculation among the suspects regarding the earlier arrest of Person P9.[552,553,554,555] The covert surveillance of James Cook revealed discussions between him and Person D28 and Person D29 which the police believed were designed to create an alibi for James Cook on the night of Daniel Morgan's murder.[556,557,558,559]

538 Audio summary, MPS046872001, 03 October 2002.
539 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p88, 07 March 2003.
540 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p89, 07 March 2003.
541 Audio summary, MPS043963001, pp1-2, 03 October 2002.
542 *'Phone call between Sidney Fillery and Alex Muranchak* [sic] *18/01/2002-20/12/2002'*, MPS102164001, p90, undated.
543 Audio summary, MPS043964001, p2, 03 October 2002.
544 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p89, 07 March 2003.
545 Audio summary, MPS043964001, p3, 03 October 2002.
546 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p89, 07 March 2003.
547 Custody record of Person P9, MPS061350001, p2, 03 October 2002.
548 '*Handing over report, Date: 03/10/2002*', MPS048803001, pp2 and 4, 04 October 2002.
549 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p89, 07 March 2003.
550 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p89, 07 March 2003.
551 Witness statement of Person D28, MPS006265001, p2, 27 November 2002.
552 Audio summary, MPS043963001, pp1-2, 03 October 2002.
553 Audio summary, MPS043964001, p2, 03 October 2002.
554 Audio summary, MPS046867001, p1, 03 October 2002.
555 Audio summary, MPS046872001, pp1-2, 03 October 2002.
556 Audio summary, MPS006254001, pp3-4, 03 October 2002.
557 Audio summary, MPS000788001, pp1-2, 03 October 2002.
558 '*Handing over report, Date: 03/10/2002*', MPS048803001, pp2 and 4, 04 October 2002.
559 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p89, 07 March 2003.

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218. During the journey to the restaurant, the probe in James Cook's vehicle recorded the following conversation:[560]

'[Person D29]	*Anyway we ain't got to know about that*
COOK	*No*
[Person D29]	*All we know is ... (*[Person D28 and Person D29]*in unison)...that you was round our house one night, many nights ... (inaudible). But that particular night, why I remember it, was because you came round in the day after and said I'm glad I was over here last night. Why? Cos last night my, a friend of a friend got killed, and I remember him telling me.*
[Person D28]	*But you ain't got to say "I'm glad I was round here" cos why would he say that.*
[Person D29]	*Oh right*
[Person D28]	*Why would they, why would he be involved. No it's just that he said, "how about that then, last night, a friend of a friend erm"*
[Person D29]	*Did you know him actually yourself then?*
COOK	*Yeah*
[Person D29]	*Oh right, it was somebody you knew*
[Person D28]	*And they got fucking, they got murdered*
[Person D29]	*No you only knew his ... (inaudible) (talking to COOK still)*
[Person D28]	*They got killed, got murdered and all we know is that it was the night, the night it happened was the night he was round our place.*
[Person D29]	*It's a funny thing.....*
[Person D28]	*We know no fucking date, and how long ago was this Jim.*
COOK	*15 year*
[Person D28]	*15 year! As if you wouldn't remember fuck all would you Jim? But you would know, that you come round the day after.*
[Person D29]	*That's what I remember.*
[Person D28]	*Cos you was round our place the night it happened, cos he came round the day after.'*[561,562]

560 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp90-91, 07 March 2003.
561 Audio summary, MPS006254001, pp3-4, 03 October 2002.
562 The Panel assumes that reference to '*Cook*' is to James Cook.

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219. During the return journey in James Cook's car from the restaurant, the following conversation was recorded (the names of those speaking were not recorded):

'Female	*"Just like the fucking last (murder?) you know, it goes over but when it comes up again"*
Male	*Inaudible*
Female	*"That fucking (cunt?) don't matter what they say (pause) you can depend on us to say the right things" (inaudible)*
Male (James Cook?)	*We don't know no* [sic] *dates about me. All we know is that when it happened.*
Female	*"The day after it happened"*
Male (James Cook?)	*"The day after it happened"*
Female	*"You came round my house (inaudible) I knew him, he was a friend of a friend you know (inaudible). I know when it happened he was round my house".*
Male (James Cook?)	*"Is that enough, or .."*
Female	*"Swear to God" (inaudible)*
Male	*"He was round our house that night"*
Female	*Inaudible.*
Female	*"He might be a little bit, you know, but he's nothing like that, he's not going to start that game, he's a different type of person".*
Male	*"You don't fucking give them any information, we don't know fuck all, all we know is you* [James] *was round our house that night and he left, it was gone ten when he left, you don't feed them any fucking thing".'*[563]

220. This evidence was subsequently cited in DCS David Cook's advice file.[564]

10.1.4 The arrest of James Cook on 07 October 2002

221. On 04 October 2002, '*in order to provoke further reaction from COOK*', and knowing that he was elsewhere, police attended James Cook's home address, '*ostensibly looking to arrest him*' in connection with the murder of Daniel Morgan. Officers from the investigation team spoke with his wife.[565,566,567]

563 Audio summary, MPS000788001, pp1-2, 03 October 2002.
564 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp89-92, 07 March 2003.
565 '*Update report Operation Abelard*', MPS054201001, p5, 13 November 2002.
566 '*Handing Over Report. Date 04/10/2002*', MPS048804001, p2, 04 October 2002.
567 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp93-94, 07 March 2003.

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222. Shortly after the police visit, James Cook was observed leaving his work and driving to the home address of Person D28 and Person D29. The investigation team stated in an update report, '[i]*t is believed that this visit was to enable COOK to reinforce the alibi in case he was arrested before he could do so*'.[568,569]

223. On 05 October, James Cook was recorded making a telephone call to an unidentified person in which he said:

> *'I think* [sic] *was* [Person P9]*, yeah. I think so (inaudible) I think what he's saying he's just fucking saying things, just bollocks you know what I mean, I said to Jackie if they could, if they put a contract out on me, the only other way now is to fucking (inaudible) their only way to do that is by either putting me up or fucking fitting me up on a moody fucking charge, or fucking planting something on me really, that's the next thing innit, I would be driving along and find something in me fucking car you know what I mean (inaudible).'*[570]

224. James Cook attended Wandsworth Police Station by appointment on 07 October 2002.[571] He was arrested in connection with the murder of Daniel Morgan.[572]

225. He was asked about his recovery work for Southern Investigations,[573] which, it had been claimed, was the reason for a telephone conversation between him and Jonathan Rees on 08 March 1987 (see Chapter 1, The Morgan One Investigation).[574] Examination of Southern Investigations' financial records had provided no information about such work.[575]

226. James Cook made no comment in response to questions put to him and was released on bail at 2.35 pm, without charge, to return on 14 October 2002.[576,577] After he was released on bail, the audio probe in his vehicle identified him making or receiving various telephone calls, three of which were relevant.[578,579,580,581] During the first of these he talked about being arrested and said, '[o]*h just people who said it had something to do with me*[…]'.[582] In the second he referred to his arrest and said that he had made '*no comment*', and '[m]*ust be offering someone. (Inaudible) To talk to them*'.[583] During the final call he talked about the fact that '[i]*t's all bollocks as far as I am concerned*'.[584]

227. A series of other visits to potential witnesses was made during the following week. These visits were intended to gather information and to provoke conversation. On 08 October 2002, former DC Duncan Hanrahan spoke to the police at his solicitor's office.[585] He confirmed

568 '*Handing Over Report, Date 04/10/2002*', MPS048804001, p2, 04 October 2002.
569 '*Update report Operation* Abelard', MPS054201001, p5, 13 November 2002.
570 Audio summary, MPS103424001, p3, 05 October 2002.
571 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p95, 07 March 2003.
572 Custody record of James Cook, MPS061483001, pp2-9, 07 October 2002.
573 Interview of James Cook, MPS060209001, pp2-7, 07 October 2002.
574 Action A1573, MPS014636001, pp1-2, 11 May 1988.
575 Action A46, MPS059430001, p1, 27 January 2003.
576 Custody record of James Cook, MPS061483001, p9, 07 October 2002.
577 Interview of James Cook, MPS060209001, pp1-9, 07 October 2002.
578 Audio summary, MPS000794001, 07 October 2002.
579 Audio summary, MPS000795001, 07 October 2002.
580 Audio summary, MPS000796001, 07 October 2002.
581 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp95-96, 07 March 2003.
582 Audio summary, MPS000794001, p1, 07 October 2002.
583 Audio summary, MPS000795001, p3, 07 October 2002.
584 Audio summary, MPS000796001, p2, 07 October 2002.
585 Action A227, MPS059661001, pp1-3, 09 October 2002.

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information which he had previously provided. The landlord of the Crown public house, a friend of former DS Sidney Fillery, was visited by the police the next day. Former DS Fillery had said that the landlord had been present at a meeting on 14 March 1987 attended by DS Fillery, Jonathan Rees and DC Alan Purvis. When asked about this meeting, the landlord could not recall it, but then stated that if former DS Fillery said that he was at the meeting, then he probably was.[586] At about the same time visits were also made to Margaret Harrison, Jonathan Rees's partner, and to Sharon Rees, Jonathan Rees's former wife.[587,588]

10.2 Ongoing surveillance

228. On 08 October 2002, there was further conversation about the arrests between James Cook and an unknown male.[589] He stated:

> *'"Our problem" inaudible "Tuesday night" – "Gary* [sic] *know"... Inaudible "Every one of them who knows about" Inaudible. "Drug dealing" Inaudible "Why after 15 years" Inaudible "Fucking–why is it after 15 years" Inaudible …'.*[590]

229. On 10 October 2002, in order to prompt further conversation at the address of Glenn Vian, police visited Garry and Glenn Vian's mother.[591,592] The officers asked a number of questions about Daniel Morgan's murder. They also questioned her about her previous relationship with Person X8 who had worked for Jonathan Rees on a part-time basis since November 1988.[593,594] Person X8 was then serving a term of imprisonment for killing a woman during an aggravated burglary.[595] A conversation between Garry, Glenn and Kim Vian followed.[596,597]

230. In an apparent reference to Person P9, Garry Vian said '*come out in the end do you know what I mean, I know* [Person P9] *would never say nothing but..*'.[598]

231. Glenn Vian remarked that the police asked their mother about Person X8, who had only recently been sentenced and was in poor health.[599] Garry Vian said '[e]*ven though he's got like fifteen, he's dying, he don't want to die in there, you never know what he's coming up with, you know a deal eh?*'.[600]

232. Glenn Vian and Garry Vian then discussed whether the person who had been taken into custody had been released. Glenn Vian thought that the person must have been released as no appearance at the Magistrates' Court had been announced.[601,602] The investigation noted

586 Message M76, MPS059936001, p1, 12 October 2002.
587 Action A225, MPS059659001, p1, 11 October 2002.
588 Action A230, MPS059664001, p1, 10 October 2002.
589 Audio summary, MPS046897001, pp1-4, 08 October 2002.
590 Audio summary, MPS046897001, p3, 08 October 2002.
591 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p97, 07 March 2003.
592 '*Handover report, Date 10/10/ 02*', MPS048769001, p2, 10 October 2002.
593 Intelligence report, MPS005117001, p1, undated.
594 Witness statement of Person X8, MPS011019001, 08 February 1989.
595 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp97-98, 07 March 2003.
596 Audio summary, MPS060137001, 10 October 2002.
597 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p98, 07 March 2003.
598 Audio summary, MPS060137001, p3, 10 October 2002.
599 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p98, 07 March 2003.
600 Audio summary, MPS060137001, p3, 10 October 2002.
601 Audio summary, MPS060137001, p6, 10 October 2002.
602 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p98, 07 March 2003.

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that the '*investigation team is unsure as to whom Glen* [sic] *was referring to at this stage of the conversation*'.[603] However the Panel assumes that Glenn Vian was referring to James Cook who had been arrested on 07 October 2002.

233. Glenn Vian and Garry Vian then discussed the £50,000 reward and agreed that no one was going to come forward and claim it:

'Glen [sic] *VIAN*	*No one's ever gonna claim that reward.*
Gary [sic] *VIAN*	*Yeah that's right who's ever gonna fucking……. that……*
Glen [sic] *VIAN*	*Never, ever, ever, spend that fifty grand, never.'*[604]

234. That evening Kim Vian telephoned the police to complain about the conduct of the officers who had visited Garry and Glenn Vian's mother, saying that '*they intimidated her*'.[605]

235. Glenn Vian was recorded saying that if the police wanted to ask him questions they should contact him directly.[606,607] He complained that the police had '*picked on*' his sister, Sharon Rees, because she was no longer with Jonathan Rees, and his mother because she was no longer with Person X8.[608,609] Kim Vian then said, '[i]*f someone told him he only had twelve months to live, he might confess*'.[610]

236. The police believed that Kim Vian was '*talking about* [Person X8] *being in poor health and that he may provide the police with information*'.[611]

237. On 12 October 2002, one of Glenn Vian's daughters read out a newspaper article which said that the two men who had been arrested had been released. Glenn and Kim Vian and their daughter discussed the article and Glenn Vian explained what the murder was about to his daughter. He also said, '[t]*here's more in there than there is anywhere, (inaudible) fucking tell me (shouting/agitated) (inaudible) might as well cut me throat (?)*'.[612]

238. The Panel believes that the two men referred to are Person P9 and James Cook.

239. Glenn Vian then said: '*I'm (inaudible) interested in what's happenin' with me ex-fucking brother-in-law*[613] [Jonathan Rees, who by then was separated from Sharon Rees, Glenn Vian's sister][614] *and I know everybody that's involved*.'[615] He later said, '[t]*he police officer in the murder (inaudible) in the first place how his partner. Sid FILLERY*.'[616]

603 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p99, 07 March 2003.
604 Audio summary, MPS060137001, p9, 10 October 2002.
605 Audio summary, MPS060140001, p2, 10 October 2002.
606 Audio summary, MPS060140001, p2, 10 October 2002.
607 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p99, 07 March 2003.
608 Audio summary, MPS060140001, p3, 10 October 2002.
609 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p99, 07 March 2003.
610 Audio summary, MPS060140001, p3, 10 October 2002.
611 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p99, 07 March 2003.
612 Audio summary, MPS061134001, 12 October 2002.
613 Audio summary, MPS061134001, p5, 12 October 2002.
614 Action A7, '*Conduct an Intelligence Assessment of Sharon REES & Identify current relationship with William Jonathan REES*', MPS040868001, 14 April 2003.
615 Audio summary, MPS061134001, p5, 12 October 2002.
616 Audio summary, MPS061134001, p5, 12 October 2002.

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240. On 15 October 2002, Garry Vian visited The Surprise public house where he met with two other males, one of whom the police thought was a major drug dealer, linked to a well-known London-based organised crime group.[617,618] A conversation took place during which the purchase of guns, stun grenades and phosphorous bombs was discussed.[619,620,621] As a result of this conversation, the police '*raised the "risk assessment" surrounding a number of individuals who had been approached by the investigation team as potential witnesses*'.[622]

241. On 16 October 2002, the Abelard One/Morgan Two Investigation visited the home address of Glenn Vian's brother-in-law. The officers left DCS David Cook's business card and asked the brother-in-law to contact them. It was hoped that a meeting with the brother-in-law would trigger further conversation within the Vian household.[623]

242. On 17 October 2002, the police visited Glenn Vian's brother-in-law at work, and questioned him about Daniel Morgan's murder, and his association with James Cook and Garry and Glenn Vian. DCS David Cook later said in his advice file that '[t]*he impression given by the investigation team was that police were particularly interested in Gary* [sic] *VIAN as a suspect*'.[624]

243. This visit triggered a considerable amount of conversation within the Vian home.[625] Kim Vian told Glenn Vian about the police visit. She explained that the police had asked her brother-in-law about James Cook, the green Volkswagen Polo/Golf and Glenn and Garry Vian.[626,627] She then stated:

> '[Kim Vian] *You're both going away for a long long time.*
>
> [Glenn Vian]' *They can't you fucking idiot. It'll never happen.*'[628]

244. It is not clear whether these are Kim Vian's words or whether she is relaying part of the conversation between the police and Glenn Vian's brother-in-law.

245. During the conversation Kim Vian twice asked her husband, Glenn, why he was shaking.[629]

246. There was further conversation:

> '[Kim Vian] *Yeah, it's getting a bit too close to home now innit.*'[630]

247. Later, an unknown female spoke:

> *'Female* *I'm not being funny but has Gary* [sic] *actually got anything to do>*[sic] *What? No?*

617 Intelligence file, MPS008795001, p12, undated.
618 '*Handing Over Report. Date 15/10/2002*', MPS048778001, p3, 15 October 2002.
619 '*Handing Over Report. Date 15/10/2002*', MPS048778001, p3, 15 October 2002.
620 Surveillance log books, MPS098155001, p29, undated.
621 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p101, 07 March 2003.
622 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p101, 07 March 2003.
623 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p101, 07 March 2003.
624 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p101, 07 March 2003.
625 Audio summary, MPS050057001,17 October 2002.
626 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p101, 07 March 2003.
627 Compact disc summary, MPS050057001, pp3-4, 17 October 2002.
628 Compact disc summary, MPS050057001, p3, 17 October 2002.
629 Compact disc summary, MPS050057001, pp3-4, 17 October 2002.
630 Audio summary, MPS043942001, p5, 17 October 2002.

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[Glenn Vian]	*Don't talk about it, talking about it won't do anything. Don't ask you.*
Female	*Alright.*
[Glenn Vian]	*Cos it's, you just don't know who's gonna open their mouth.*
Female	*---?*
[Glenn Vian]	*You've only got to be in here and you're charged with me as well.'*[631]

248. On 18 October 2002, police again visited Glenn Vian's brother-in-law at work (see paragraph 242 above).[632] A conversation was recorded between Glenn and Kim Vian about '[w]*hy pull* [Glenn Vian's brother-in-law]?', police corruption and the 'Drug Squad'.[633] They also discussed the stigma for the Metropolitan Police if police officers were involved in the murder of Daniel Morgan and the adequacy of the information which the police had.[634,635]

249. On 19 October 2002, there was conversation between Garry and Glenn Vian speculating about whether the police were occupying the vacant house next door.[636,637] Authority had been given for the Abelard One/Morgan Two Investigation team to purchase the property next door to Glenn Vian's house on 05 July 2002.[638] A risk assessment from a later investigation (see Chapter 8, The Abelard Two Investigation) stated that the property had been covertly purchased on 23 August 2002 '*for the express purpose of covertly gathering evidence in relation to the murder of Daniel Morgan, and specifically to investigate the alleged role of Glen* [sic] *Vian, the occupier of* [the house next door], *within the circumstances surrounding the murder*'.[639]

10.2.1 The arrest of Garry Vian

250. On 19 October 2002 Garry Vian was arrested in connection with the murder of Daniel Morgan[640] and his girlfriend's house was searched as a result of police becoming aware that he might have possession of a firearm.[641,642,643] No firearm was found during the search.[644,645] On 20 October 2002, Garry Vian was interviewed. He remained silent throughout, apart from showing the injuries he had sustained during the arrest, which he said had included a dog bite and bruising.[646] He was then released.[647]

631 Audio summary, MPS043942001, pp5-6, 17 October 2002.
632 Message M100, MPS059960001, p1, 18 October 2002.
633 Audio summary, MPS060150001, pp3-4, 18 October 2002.
634 Audio summary, MPS060150001, pp4-6, 18 October 2002.
635 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp102-103, 07 March 2003.
636 Audio summary, MPS050064001, p4, 19 October 2002.
637 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp103-104, 07 March 2003.
638 '*Operation "Abelard" Authorities Schedule*', MPS053841001, p2, undated.
639 Abelard Two Investigation risk assessment, MPS109471001, p48, 04 August 2006.
640 Custody record of Garry Vian, MPS061455001, pp2-8, 19 October 2002.
641 Copy of information for search warrant, MPS048082001, p2, 19 October 2002.
642 Message M160, MPS040279001, 22 October 2002.
643 Intelligence report, MPS047299001, pp3-4, 21 October 2002.
644 Intelligence report, MPS047299001, pp3-4, 21 October 2002.
645 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p104, 07 March 2003.
646 Interview of Garry Vian, MPS060628001, p1, 20 October 2002.
647 Custody record of Garry Vian, MPS061456001, p10, 20 October 2002.

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251. Between 11.55 am and 12.15 pm on 20 October 2002, Glenn Vian was recorded having a telephone conversation with '*John*' (whom police believed to be Jonathan Rees). At one point, Glenn Vian said, '*you've been my brother-in-law all*'.[648,649] They discussed the arrest of Garry Vian and then the arrest of Glenn Vian's other brother-in-law.[650,651] Glenn Vian then said:

> *'Glen* [sic] *VIAN'* [Person P9's] *walking around and telling everybody he knows whose* [sic] *done it, so, he's a fucking mind reader, he done it himself, right or someone told him he knows who's done it, so, I don't know, I really don't know, because the man's an absolute fucking bullshitter* […] *he thinks everything's funny till they pull in him and he was joking about it, and he said "yeah I know who it is". He said I know who it is, I'm thinking about putting* [Glenn VIAN's brother-in-law's] *name up in for it, you know what I mean. Two days later they've marched in* [Glenn VIAN's brother-in-law] *…'*[652]

252. Glenn Vian then mentioned that Person P9 had been asked questions by the police in relation to a car:

> *'Glen* [sic] *VIAN …then they said did you get rid of the car for them, like for me and Gary* [sic]*, they're dangerous, they said we were prime suspects and did you get rid of the car for them. A car that was used in the job (burps) fuck me, I think they said a green Volkswagen or something green Polo, I don't know, I think it was a green Volkswagen but yeah, that's what's supposed to have happened, yeah, it was a green Volkswagen because* [Glenn VIAN's brother-in-law] *used to have a green Golf, yeah but that's fucking 5 years ago…'*[653]

253. Glenn Vian also talked about police corruption and how the police,

> *'…don't even trust their own, they can't even take you to a London nick, you know what I mean, they've got to go to Hendon where they're all new recruits because they can't trust anybody that's been in the force for a year cause you're bound to be fucking bent.'*[654]

254. He went on to say, *'I'd like my day in court. What you got on me – forensics, much, you prick.'*[655]

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648 Audio summary, MPS060157001, pp2-8, 20 October 2002.
649 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p104, 7 March 2003.
650 Audio summary, MPS060157001, pp2-3, 20 October 2002.
651 The Abelard One/Morgan Two Investigation arrested Jonathan Rees who had previously been married to Sharon Rees and therefore had been Glenn Vian's brother-in-law and another male, who at the time of the surveillance, was also Glenn Vian's brother-in-law. The probe material picked up conversation relating to both these men.
652 Audio summary, MPS060157001, p4, 20 October 2002.
653 Audio summary, MPS060157001, p4, 20 October 2002.
654 Audio summary, MPS060157001, p6, 20 October 2002.
655 Audio summary, MPS060157001, p7, 20 October 2002.

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255. During the late evening on 21 October 2002 there was a conversation between Glenn and Kim Vian.[656] Glenn Vian said, '[t]*hat was their excuse for pulling in four of them cos tomorrow morning he says we kidnap and torture... (inaudible)...*'.[657] Later he said '*that's why we've got to be careful about what we do to him...*'.[658]

256. As a result of this conversation, it was decided that 24-hour armed surveillance should be carried out on Glenn Vian. The Abelard One/Morgan Two Investigation suspected that Glenn and Garry Vian might attempt to interrogate those whom they suspected of talking to the investigation team.[659,660]

257. During a telephone call on 22 October 2002, Glenn Vian referred to an unidentified person, saying, '*he's probably the only one who's tried to claim the money*'.[661] He continued, '*you either do him properly right, like fucking fifteen year ago* [inaudible] *fucking done it*'.[662] The Abelard One/Morgan Two Investigation summarised this as simply '*a lengthy conversation about the investigation*'.[663]

258. On 23 October 2002, with the Crown Prosecution Service's agreement, a trigger telephone call was made to Glenn Vian by a police officer.[664,665] The caller stated that they were aware of who was involved in the murder and that she would inform the police of this in order to claim the reward money being offered. However, she said that if Glenn Vian paid her £50,000, she would not do so. She gave a BT telephone kiosk number and asked him to contact her with his decision two days later at a specific time.[666,667]

259. A conversation was then recorded between Glenn and Kim Vian in which he told her about the call.[668] Kim Vian described the call as '*blackmailing*' them.[669] DCS David Cook recorded in his advice file that the '*trigger event caused a number of conversations between Glen* [sic] *and his wife*'.[670] Nothing of evidential value was generated and the tactic was not pursued further by the police.

260. On 24 October 2002, Glenn Vian was arrested in connection with Daniel Morgan's murder.[671,672] Police also carried out a search of Glenn Vian's house for '[correspondence]*, firearms and anything connected with the murder of Daniel MORGAN*'.[673,674] No firearm or other material was found during the search.[675] He was taken to a police station and later

656 Audio summary, MPS060166001, p2, 21 October 2002.
657 Audio summary, MPS060166001, p2, 21 October 2002.
658 Audio summary, MPS060166001, p3, 21 October 2002.
659 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p105, 07 March 2003.
660 '*Handing Over Report. Date: 21/10/2002 – 22/10/02*', MPS048728001, pp1-2, 22 October 2002.
661 Audio summary, MPS048141001, p5, 22 October 2002.
662 Audio summary, MPS048141001, p6, 22 October 2002.
663 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p106, 07 March 2003.
664 Report book in relation to the telephone conversation made to Glenn Vian, MPS050360001, pp3-11, 23 October 2002.
665 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p106, 07 March 2003.
666 Script of call to Glenn Vian, MPS008471001, 23 October 2002.
667 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p106, 07 March 2003.
668 Audio summary, MPS009914001, pp1-3, 23 October 2002.
669 Audio summary, MPS009914001, pp2-3, 23 October 2002.
670 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p107, 07 March 2003.
671 Custody record of Glenn Vian, MPS102388001, 24 October 2002.
672 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p107, 07 March 2003.
673 Specialist search record for the home address of Glenn Vian, MPS060677001, pp11-12, 24 October 2002.
674 Specialist search record for the home address of Glenn Vian, MPS061505001, pp2-3, 24 October 2002.
675 Specialist search record for the home address of Glenn Vian, MPS061505001, p9, 24 October 2002.

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interviewed. He was asked about his association with Jonathan Rees, James Cook and Person P9 and about his knowledge of a green Volkswagen. He declined to answer any questions and was released.[676,677,678]

261. Police made two attempts to interview Person X8 in prison. On 05 November 2002, Person X8 '*stated that he was reluctant to assist Police at this time as…Morgan…deserved all that he had coming to him*'.[679] A second attempt was made in August 2003 when it was recorded that Person X8's response was '*you can stick the £50,000…*'.[680]

262. In 2008, during the subsequent Abelard Two Investigation, Person X8 was interviewed and provided extensive information (see Chapter 8, The Abelard Two Investigation).

263. The only new information which emerged from phase two of the surveillance carried out by the Abelard One/Morgan Two Investigation team was the information in relation to Person D28 and Person D29 providing an alibi for James Cook.

11 The third period of covert surveillance: 16 to 20 December 2002

264. A third phase of covert surveillance carried out by the Abelard One/Morgan Two Investigation team occurred between 16 and 20 December 2002 and specifically targeted communications between Glenn Vian and Kim Vian at their home address following a series of arrests.[681,682] T/D/Supt David Zinzan noted that Glenn Vian '*openly discusses the murder with* [Kim Vian] *and it is clear that she has knowledge*'.[683]

11.1 Interview with Jonathan Rees

265. On 16 December 2002,[684] Jonathan Rees was interviewed by the police after he was produced from prison.[685,686,687,688,689] Jonathan Rees was asked about James Ward whom he said he did not know,[690] he said he did not know about the prison officer claiming knowledge of

676 Interview of Glenn Vian, MPS074903001, 24 October 2002.
677 Custody record of Glenn Vian, MPS102388001, pp2 and 11, 24 October 2002.
678 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p107, 07 March 2003.
679 Information report, MPS061517001, pp2-3, 05 November 2002.
680 Message M192, MPS005817001, p1, 06 August 2003.
681 '*Instructions re Covert Audio Probes*', MPS054202001, pp1-2, 16 December 2002.
682 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp109-111, 07 March 2003.
683 '*Instructions re Covert Audio Probes*', MPS054202001, p2, 16 December 2002.
684 Custody record of Jonathan Rees, MPS061539001, 16 December 2002.
685 Interview of Jonathan Rees (12:47-13:06), MPS060620001, pp2-25, 16 December 2002.
686 Interview of Jonathan Rees (13:45–14:02), MPS060621001, pp2-19, 16 December 2002.
687 Interview of Jonathan Rees (14:38–15:02), MPS060622001, pp2-27, 16 December 2002.
688 Interview of Jonathan Rees (15:45–16:16), MPS060623001, pp2-34, 16 December 2002.
689 Interview of Jonathan Rees (16:17–16:23), MPS060624001, pp2-6, 16 December 2002.
690 Interview of Jonathan Rees, MPS060623001, pp33-34, 16 December 2002.

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the murder, and denied that Daniel Morgan's murder was referred to as '*the HP murder*'.[691] No new evidence was secured as a consequence of this interview. Jonathan Rees was returned to prison.[692,693]

11.2 The arrest of James Cook on 16 December 2002

266. On Monday 16 December 2002, James Cook, having returned to custody from police bail, was arrested on suspicion of conspiracy to pervert the course of justice by manufacturing a false alibi with Person D28 and Person D29[694]. He was questioned under caution about this.[695,696] He gave 'no comment' answers throughout.

267. James Cook was also questioned about a telephone call between him and Jonathan Rees immediately following the publication of an article in the *Daily Telegraph* on 02 July 1999,[697] and about what he had said during a telephone call on 05 October 2002, following the arrest of Person P9 on 03 October 2002. He was asked whether he had given a green Volkswagen car to Person P9 to look after on 10 March 1987 and whether he had told Person P9 that he had witnessed the murder of Daniel Morgan. He was also asked whether he had knowledge of police corruption.[698] He responded '*no comment*' to each of these questions.[699,700]

11.3 The interview and subsequent arrest of Person D28 and Person D29

268. Police suspected that Person D28 and Person D29 had been fabricating an alibi for James Cook when he took them for dinner on 03 October 2002.[701,702] Police had visited them on 21 November 2002. Person D29 had told police that James Cook had been at their house on the night of the murder, but they both declined to make statements at that time, saying they would only do so in the presence of their solicitor (who was also James Cook's solicitor).[703] On 27 November,[704,705] the police met Person D28 and Person D29 in the presence of their solicitor. They were not treated as suspects. Police enquired about their knowledge of James Cook and his movements on the night of the murder. They both gave statements providing James Cook with an alibi.[706,707,708,709,710]

269. In his statement, Person D28 said:

> *'I can remember during one of these visits Jimmy stated that a friend of a friend had been murdered the previous night. I was taken aback at this statement. I said, "who was it Jim, a close friend". He said, "no, I* [sic] *friend of a friend". I didn't ask any more*

691 Interview of Jonathan Rees, MPS060623001, pp33-34, 16 December 2002.
692 Custody record of Jonathan Rees, MPS061539001, p4, 16 December 2002.
693 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp109-110, 07 March 2003.
694 Custody record of James Cook, MPS061482001, pp5-7, 16 December 2002.
695 Interview of James Cook, MPS000687001, 16 December 2002.
696 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p110, 7 March 2003.
697 Interview of James Cook, MPS000686001, p2, 16 December 2002.
698 Interview of James Cook, MPS000690001, 16 December 2002.
699 Interview of James Cook, MPS000686001, 16 December 2002.
700 Interview of James Cook, MPS000690001, 16 December 2002.
701 '*Handing Over Report. Date 03/10/2002*', MPS048803001, p2, 04 October 2002.
702 Audio summary, MPS006254001, pp3-4, 03 October 2002.
703 Action A286, MPS059724001, p1, 21 November 2002.
704 Action A286, MPS059724001, p2, 28 November 2002.
705 Sequence of events chart, MPS105055001, p6, 07 May 2009.
706 Interview of Person D29, MPS060216001, 27 November 2002.
707 Interview of Person D28, MPS060220001, 27 November 2002.
708 Witness statement of Person D29, MPS006261001, 27 November 2002.
709 Witness statement of Person D28, MPS006265001, 27 November 2002.
710 Sequence of events chart, MPS105055001, p6, 07 May 2009.

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about the murder. I can however state that the previous evening Jimmy had been with myself and [Person D29] *at our home address. I can definitely recall that Jimmy arrived at our house between 7.30 pm and 8 pm and left at about 10 pm to 10.15 pm.*

'Approximately six or seven weeks later Jimmy asked me and [Person D29] *to attend a solicitors* [sic] *office to state where he was on the night of the murder. At that time the incident was still fresh in my mind. I was willing to make a statement, as was* [Person D29]*, but I had to work on the day in question and* [Person D29] *attended the solicitors with Jimmy Cook. As far as I am concerned, the murder wasn't really discussed after that until Jimmy was arrested during 2002. He attended our home address and told us he had been arrested on suspicion of murder of the friend of a friend. He said he had been asked a few questions and released on bail. I was shocked and both myself and* [Person D29] *offered to assist because we knew he was with us on the night of the murder. Jimmy thanked us but stated that he didn't want to involve us because he was worried about* [Person D29's] *health.'*[711]

270. Person D29 made a statement in which she claimed that when James Cook told her of the murder she responded '[…]*"well you've got no worries have you Jim, because you were here" and he replied, "I'm not worried* […]*"*. She subsequently said: '[…]*"do you want me to go to a solicitors* [sic] *with you to make a statement" and he said, "not yet, I don't really want to involve you"'.*[712,713]

271. The Panel shares the police suspicions that James Cook's purpose in his discussions with Person D28 and Person D29 on 03 October 2002 was to arrange a false alibi for himself for the night of the murder. However, having initially formed those suspicions as a result of monitoring the conversation, it was wrong to have then sought to interview Person D28 and Person D29 as witnesses. The police already had enough evidence to suspect them of conspiring with James Cook to pervert the course of justice and had reasonable grounds to arrest them, which would have been the proper course of action. The actions of the police could be regarded as entrapment and have resulted in the statements being excluded in any subsequent legal proceedings. Indeed, this was later pointed out by Counsel advising on the case (see paragraph 484i below).

272. On 16 December 2002, Person D28 and Person D29 were arrested on suspicion of conspiring to pervert the course of justice by providing James Cook with a false alibi. They were taken to Croydon Police Station for interview. [714,715,716]

273. Police were told that '*due to his client's health problems*', Person D29's solicitor had advised her not to respond to questions.[717] Person D29 made 'no comment' responses to all questions.[718]

711 Witness statement of Person D28, MPS006265001, pp4-5, 27 November 2002.
712 Witness statement of Person D29, MPS006261001, p5, 27 November 2002.
713 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p109, 7 March 2003.
714 Custody record of Person D28, MPS061607001, 16 December 2002.
715 Custody record of Person D29, MPS061608001, 16 December 2002.
716 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p110, 07 March 2003.
717 Interview of Person D29, MPS060219001, 16 December 2002.
718 Interview of Person D29, MPS060219001, 16 December 2002.

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274. Person D28 was also interviewed in the presence of his solicitor. He was asked about the conversation recorded in James Cook's car between himself, his wife and James Cook. He said that the first conversation they had had about the murder since 1987 was on the day when James Cook had been arrested on 07 October 2002. When challenged about the tape-recording made on 03 October 2002, he was unable to explain it satisfactorily.[719,720] When asked how the conversation about the murder came up, he said '*Jim might have said something and erm... and then we must have been talking about it then, you know*'.[721,722] Regarding the transcript material he said the following:

> '[W]*e haven't really said anything … to me I can't ... I can't see how we said anything really spectacular in any way. All we've said is that Jim come round and said to us about a friend of a friend murdered – he was murdered the night before. And as far as we remember he was round the night before.*'[723]

275. Person D28 and Person D29 were released on police bail to attend Croydon Police Station on 16 January 2003.[724,725]

11.4 Reactions to the arrests

276. On 16 December 2002 Glenn Vian's daughter attended Croydon Police Station on an unrelated matter and met some of the investigating officers, who told her that Jonathan Rees and James Cook were in custody.[726,727] Investigating officers used this opportunity to share this information to prompt further response. Following this, a series of monitored conversations between Glenn and Kim Vian were captured, in the course of which Glenn Vian said, '[o]*bviously they know that Jimmy Cook's not got an alibi*'.[728] He later said, '[w]*hat he's done is he's got them as an alibi and he's got it wrong (inaudible)*'.[729]

277. Glenn and Kim Vian also discussed what would happen if Kim Vian was a witness and provided an alibi for Glenn Vian.[730] But he said, '[n]*ow do you understand by not having a witness they have to run their chances with me and I'll fucking take the chance of not having an alibi*'.[731] He made it clear that he did not think Kim Vian would withstand questioning in the witness box about any alibi she gave, when he said: '*I certainly wouldn't let you get in the box. Cos you're about as steady as a rock without no cement round it*.'[732]

719 Interview of Person D28, MPS060635001, pp16-28, 16 December 2002.
720 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp110-111, 07 March 2003.
721 Interview of Person D28, MPS060635001, pp27-28, 16 December 2002.
722 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p111, 07 March 2003.
723 Interview of Person D28, MPS060636001, p5, 16 December 2002.
724 Custody record of Person D28, MPS061607001, p9, 16 December 2002.
725 Custody record of Person D29, MPS061608001, p10, 16 December 2002.
726 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p111, 07 March 2003.
727 '*Enhanced transcript VIAN house 16/12/2002*', MPS000882001, pp1-2, 14 July 2009.
728 '*Enhanced transcript VIAN house 16/12/2002*', MPS000882001, p2, 14 July 2009.
729 '*Enhanced transcript VIAN house 16/12/2002*', MPS000882001, p13, 14 July 2009.
730 '*Enhanced transcript VIAN house 16/12/2002*', MPS000882001, pp11-12, 14 July 2009.
731 '*Enhanced transcript VIAN house 16/12/2002*', MPS000882001, p11, 14 July 2009.
732 '*Enhanced transcript VIAN house 16/12/2002*', MPS000882001, p11, 14 July 2009.

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278. Glenn and Kim Vian speculated about what the police could be asking James Cook and said the following:

> *'Glen* [sic] *VIAN* *...Jimmy's questions are about Belmont Auctions right and disposing of motors right (inaudible) custody.*
>
> *Kim VIAN* *(Inaudible).*
>
> *Glen* [sic] *VIAN* *Well they've either got nothing at all to charge us with right maybe John fucking (inaudible) above us.'*[733]

279. With reference to James Cook and his alibi, Glenn Vian remarked, '*I don't know where he was it's got fuck all to do with me*'. He followed this with, '*I don't know how he can remember anything, about too much (inaudible) time I suppose*'.[734] On 16 December 2002, Glenn Vian had a telephone conversation, believed to be with his brother Garry, and discussed the arrest of James Cook and Jonathan Rees, saying that he thought that the police were possibly waiting to see how Glenn and Garry Vian would respond.[735,736] Glenn Vian and Kim Vian discussed a letter to his solicitor which said that a report was being submitted to the Crown Prosecution Service. He then said: '*Maybe the CPS* [Crown Prosecution Service] *is looking said you ain't got enough*.'[737,738]

280. There was further discussion about James Cook arranging an alibi for himself for the night of Daniel Morgan's murder. Glenn Vian said:

> *'Right cos what he's done is he's got them as an alibi and he's got it wrong (inaudible). No backbone or whatever he's done, cos you don't know right but that's what's that's what [sic] going on now* [...] *do you understand I'd rather run the gauntlet than fucking go down as a 50/50 chance.'*[739]

281. No action was taken to question Kim Vian about her husband's whereabouts on the night of the murder, or about anything she knew about the murder. Questioning Kim Vian was unlikely to have been fruitful, nevertheless she should have been questioned about where Glenn Vian was on the night of Daniel Morgan's murder.

11.5 Former DS Sidney Fillery: searches and arrest

282. Former DS Sidney Fillery was not listed in the 2000 Murder Review as either a '*key witness*' or '*key suspect*'.[740] The 2000 Murder Review considered three issues dealt with by former DS Fillery as part of the Morgan One Investigation.[741,742,743] It recommended that these

733 Audio summary, MPS060190001, p2, 16 December 2002.
734 Audio summary, MPS060191001, pp3-4, 16 December 2002.
735 Audio summary, MPS060191001, p5, 16 December 2002.
736 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p112, 07 March 2003.
737 '*Enhanced transcript VIAN house 16/12/2002*', MPS000882001, pp11, 14 July 2009.
738 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p112, 07 March 2003.
739 '*Enhanced transcript VIAN house 16/12/2002*', MPS000882001, p13, 14 July 2009.
740 2000 Murder Review Report, MPS020525001, pp13-30, 06 October 2000.
741 2000 Murder Review Report, MPS020525001, p49, para 6.12.15, 06 October 2000.
742 2000 Murder Review Report, MPS020525001, p50, para 6.12.25, 06 October 2000.
743 2000 Murder Review Report, MPS020525001, pp62-63, paras 6.13.11, 6.13.13, 6.13.15, 6.13.18 and 6.13.19, 06 October 2000.

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issues be re-investigated[744,745,746] and, significantly, also suggested that '[a]*ll enquiries conducted by FILLERY into the murder of MORGAN should be reassessed*',[747] *and* that '*a review of all actions resulted by FILLERY be undertaken*'.[748]

283. Following surveillance, on 13 December 2002 a warrant was obtained to search former DS Sidney Fillery's home address and the offices of Law & Commercial, the material sought being a '*file or documents relating to the Belmont Car Auctions'* and '[a]*ny other information either hard copy or contained within other electronic/computer systems that relate to the investigation into the murder of Daniel MORGAN between 1987 and the present day*'.[749]

284. On 17 December 2002, former DS Sidney Fillery's home address, the offices of Law & Commercial and a boat called 'Matatu', in Southampton, in which former DS Fillery had a part-share, were searched. The investigation team were searching in particular for the missing Belmont Car Auctions file and other material relating to Daniel Morgan's murder (see Chapter 1, The Morgan One Investigation).[750,751,752,753] DCS David Cook noted that as part of the search, '[t]*wo computer base units, a computer, and a quantity of correspondence was seized from the offices of Law and Commercial*'.[754]

285. On 17 January 2003, former DS Sidney Fillery was arrested at the offices of Law & Commercial for offences unrelated to the murder of Daniel Morgan.[755,756] He was charged and appeared in May 2003 before Bow Street Magistrates Court. After entering a plea of guilty, he received a non-custodial sentence on 24 October 2003.[757]

286. At the same time, former DS Sidney Fillery was also arrested on suspicion of misconduct in public office relating to the murder of Daniel Morgan.[758,759,760]

287. In one of the interviews with former DS Sidney Fillery, his solicitor read out a prepared statement:

> *'I Sidney FILLERY understand that I am to be questioned in relation to an allegation of malfeasance. This relates to matters that happened nearly 16 years ago. It would not be fair to myself to try to recall exact details after that length of time. I have been questioned previously at length about this matter. I rely on that which I said in 1987, a copy of which I have been shown. I reiterate that I did not ask Peter NEWBY for the Belmont Auction File on Wednesday 11 March 1987 or at any other time. He did not hand this to me and I did not take possession of this file at any stage, indeed I have no recollection of ever seeing this file. I did not tamper with or remove documents*

744 2000 Murder Review Report, MPS020525001, p49, paras 6.12.15-6.12.16, 06 October 2000.
745 2000 Murder Review Report, MPS020525001, p50, paras 6.12.25-6.12.26, 06 October 2000.
746 2000 Murder Review Report, MPS020525001, pp62-63, paras 6.13.11, 6.13.13, 6.13.15, 6.13.18 and 6.13.19, 06 October 2000.
747 2000 Murder Review Report, MPS020525001, p49, para 6.12.15, 06 October 2000.
748 2000 Murder Review Report, MPS020525001, p49, para 6.12.17, 06 October 2000.
749 '*INFORMATION FOR SECTION 8 P.A.C.E WARRANT*', MPS061617001, pp2-3, 13 December 2002.
750 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp112-113, 07 March 2003.
751 '*Premises Search Book*', former DS Sidney Fillery's home address, MPS061537001, pp5-13, 17 December 2002.
752 '*Premises Search Book*', Law & Commercial, MPS061541001, pp2-7, 17 December 2002.
753 '*Premises Search Book*', Matatu, MPS061545001, p3, 17 December 2002.
754 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p113, 07 March 2003.
755 Custody Record of former DS Sidney Fillery, MPS062202001, pp2-17, 17 January 2003.
756 Interview of former DS Sidney Fillery, MPS060230001, p6, 17 January 2003.
757 Advice File R v Glenn Vian, Garry Vian, James Cook, William Rees, and Sidney Fillery, MPS103338001, p175, 13 June 2007.
758 Custody record of Sidney Fillery, MPS062202001, p2, 17 January 2003.
759 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p116, 07 March 2003.
760 Report book of a Detective Constable, MPS060650001, p11, 17 January 2003.

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or papers from this file as is being suggested. I would be interested to know which documents, papers or items I am alleged to have removed from the file.'[761]

288. A Detective Constable then said that she still had to ask some questions about the Belmont Car Auctions file, in response to which former DS Sidney Fillery's solicitor advised him to make no comment.[762]

289. Former DS Sidney Fillery was then shown a copy of the exhibit book from the Morgan One Investigation and directed to 11 entries which the investigating officer suggested were the exhibits removed during a search of Southern Investigations offices on 11 March 1987, at which former DS Fillery was present.[763,764]

290. Former DS Sidney Fillery replied as follows:

'First of all I have no control over what went in this book, ft's [sic] *not my writing, I have no control over it at all so I can't adopt this book. Secondly, I'd say this – that I'm very.. I did not allocate numbers, anything on this book. Secondly, I'm very suspicious of the neatness of the writing in this book, and I would put it to anybody that this is a re-written book, this is re-written. It's far too neat and tidy. You know as well as I do that a murder room .. on the first day after the murder is chaotic and there's bits and pieces coming in everywhere. This writing is just far too neat, it's too neat to be believable. Finally, I am aware and I make no adverse comment about the young man concerned, but I am aware that the Detective Officer who was Exhibits Officer in the case was disciplined because of the nature of his work.'*[765]

291. In the same interview he later said:

'So.. I make no other comment, I mean.. I don't want to castigate that young man, erm.. it might have been the fault [sic] *of others above him. But all I'm saying is I cannot adopt this book or any information. I have no control what was written in this book at all.'*[766]

292. The interviewers asked former DS Sidney Fillery whether he recognised the 11 exhibits listed in the Exhibits Book as being the exhibits which he retrieved from the offices of Southern Investigations on 11 March 1987. Former DS Fillery replied:

'Right bearing in mind that these matters were 16 years ago […and] *on the advice of my solicitor I now fall back on my written statement and the verbal comments I've just made with regard to this book and I make no further comment.'*[767]

293. The investigators continued to question former DS Sidney Fillery about the Exhibits Book, including the fact that the Belmont Car Auctions file did not appear in the list of exhibits removed from the offices of Southern Investigations. Former DS Fillery was also questioned

761 Interview of former DS Sidney Fillery, MPS060609001, p3, 17 January 2003.
762 Interview of former DS Sidney Fillery, MPS060609001, p4, 17 January 2003.
763 Interview of former DS Sidney Fillery, MPS060609001, pp4-5, 17 January 2003.
764 Interview of former DS Sidney Fillery, MPS060611001, pp2-3, 17 January 2003.
765 Interview of former DS Sidney Fillery, MPS060611001, p3, 17 January 2003.
766 Interview of former DS Sidney Fillery, MPS060611001, p4, 17 January 2003.
767 Interview of former DS Sidney Fillery, MPS060611001, p4, 17 January 2003.

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regarding the statement of Peter Newby[768] dated 30 March 1987, in which Peter Newby stated that on 11 March 1987 the Belmont Car Auctions file was handed to former DS Fillery. Former DS Fillery continued to make no comment in response to the questions.[769]

294. The 2000 Murder Review had identified three other specific issues in relation to former DS Sidney Fillery. These were investigated by the Abelard One/Morgan Two Investigation.

295. The first issue related to DS Sidney Fillery, while working for the Morgan One Investigation, having been tasked to investigate whether Southern Investigations had '*Partnership*' insurance, and to obtain relevant papers and statements.[770,771] Had such insurance existed, it might have provided a motive for the murder of Daniel Morgan.[772] DS Fillery had reported that Jonathan Rees had said that no such insurance existed. DS Fillery had not taken any statement to confirm this.[773,774]

296. The Abelard One/Morgan Two Investigation established that Daniel Morgan and Jonathan Rees had had no partnership insurance, although they had been considering a partnership insurance policy for £50,000 but were only in the consultation stage at the time of Daniel Morgan's murder.[775]

297. The second issue involved a direction to research an individual with a distinctive nickname who lived in Sydenham, and who, it had been suggested, was the person responsible for the murder.[776,777] The person who provided this information was never identified, but the enquiry officer recorded his feeling that the information was genuine.[778] The following day, 15 March 1987, DS Sidney Fillery came on duty at 12.00 noon.[779] It was his last day on the Morgan One Investigation (see Chapter 1, The Morgan One Investigation), and the matter was reallocated on 16 March 1987 to a Detective Constable and returned with basic details of a named individual. It was subsequently decided that no further action was required.[780,781]

298. Subsequently the Hampshire/Police Complaints Authority Investigation established that the individual in question was in Australia between December 1986 and May 1988. He had no convictions for violent crime. The Hampshire/Police Complaints Authority Investigation did not take the matter any further.[782]

299. In November 2002, the individual was interviewed. He said that as far as he was aware, he had never been referred to by the nickname which had been provided to the police. He did not know anyone else who had lived in the road who might have had the same first name. He was unable to assist the enquiry.[783]

768 Office Manager at Southern Investigations at the time of the murder.
769 Interview of former DS Sidney Fillery, MPS060611001, pp4-7, 17 January 2003.
770 Action A153, MPS013216001, p1,14 March 1987.
771 2000 Murder Review Report, MPS020525001, p49, para 6.12.15, 06 October 2000.
772 2000 Murder Review Report, MPS020525001, p49, para 6.12.15, 06 October 2000.
773 Action A153, MPS013216001, p1, 15 March 1987.
774 2000 Murder Review Report, MPS020525001, p49, para 6.12.15, 06 October 2000.
775 Action A55, MPS059445001, 08 October 2002.
776 Action A176, MPS013239001, 14 March 1987.
777 2000 Murder Review Report, MPS020525001, p50, para 6.12.25, 06 October 2000.
778 2000 Murder Review Report, MPS020525001, p50, para 6.12.25, 06 October 2000.
779 '*Copy of FILLERY's duty sheet 090387 – 150387*', MPS015408001, p5, 16 March 1987.
780 Action A176, MPS013239001, pp1-2, 16 March 1987.
781 2000 Murder Review Report, MPS020525001, p50, para 6.12.25, 06 October 2000.
782 Action A550, MPS032477001, 17 July 1989.
783 Action A59, MPS059449001, 28 November 2002.

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300. Once it had been established that DS Sidney Fillery was not able to deal with the matter as he was no longer involved in the Morgan One Investigation, the only issue was to establish whether the individual with the allegedly distinctive nickname could have been involved in the murder. This was done and the matter was dealt with properly by the Abelard One/Morgan Two Investigation.

301. The third issue related to documents and items missing from the Morgan One Investigation. The 2000 Murder Review Report had noted that some 32 documents generated by the Morgan One Investigation were missing from the investigation file of documents[784] and had recommended that '*efforts are made to obtain again all documents found to be missing from the system*'.[785]

302. The 2000 Murder Review Report recorded that some of the missing documents might be of significance in the context of former DS Sidney Fillery or the Belmont Car Auctions matter. Documents and items identified as missing from the Morgan One Investigation included the following:

i. A document entitled '*Southern Investigations Bill to Belmont Car Auctions*'.[786]

   The Murder Review Report had recommended that '*research* [be] *done to establish the significance of the missing documents relating to DS FILLERY and Belmont Car Auctions*'.[787] This document was subsequently found.

ii. Significant information had been received by the Morgan One Investigation which included an allegation that a man called Leonard Beauchamp and an unnamed Police Sergeant had been present when the murder of Daniel Morgan had been discussed (see Chapter 1, The Morgan One Investigation) and that a tape-recording of that meeting existed which was '*with a legal man near Gatwick*'[788]. A *Police Gazette* Special Notice had been issued regarding the murder of Daniel Morgan, which had contained an appeal for any officers with knowledge of Leonard Beauchamp (also known as Sanderson) to contact the incident room.[789] Despite extensive investigation of this matter, the Morgan One Investigation had been unable to find Leonard Beauchamp or a copy of the tape which he had said existed.

   The Murder Review Group had recommended that '*enquiries into Leonard BEAUCHAMP and an alleged tape recording should be revisited*'.[790]

   No tape was ever found. However, it was decided that the detailed and substantial information received from the person calling himself Leonard Beauchamp merited further investigation.[791,792,793]

784 2000 Murder Review Report, MPS020525001, pp60-63, 06 October 2000.
785 2000 Murder Review Report, MPS020525001, p63, para 6.13.19, 06 October 2000.
786 Document D355, '*Southern Investigations bill to Belmont Car Auctions*', MPS011408001, 08 and 14 March 1987.
787 2000 Murder Review Report, MPS020525001, p62, para 6.13.13, 06 October 2000.
788 Witness statement of Person U25, MPS018487001, p1, 04 November 1987 (indicated signed).
789 Document D422, '*Police Gazette Special Notice re Leonard BEAUCHAMP*', MPS011475001, 20 November 1987.
790 2000 Murder Review Report, MPS020525001, p23, para 6.13.15, 06 October 2000.
791 Action A149, MPS059569001, 03 September 2002.
792 Document D233, Research docket regarding Beauchamp, MPS061838001, undated.
793 Action A84, '*Make further enquiries into BEAUCHAMP N113 and the alleged tape recording*', MPS059483001, p1, 09 July 2002.

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The Abelard One/Morgan Two Investigation team made further enquiries in relation to Leonard Beauchamp and the tape-recording, and having failed to identify Leonard Beauchamp, spoke to the '*female head of the BEAUCHAMP family in Farnborough*', which is near Gatwick. She did not know Leonard Beauchamp and stated that '[s]*he has no knowledge of any tape recordings and feels confident if any male member of her family had she would know*'.[794]

The Abelard One/Morgan Two Investigation team, despite making further enquiries, were unable to find Leonard Beauchamp or the tape which he had alleged existed.[795]

iii. A numbered document from the Morgan One Investigation which could not be found and was believed by the Murder Review Group to have been created in error in the system.

It was later established that this document did in fact exist and it was a letter and affidavit from a firm of solicitors.[796]

iv. A document entitled '*Notes of FILLERY's relationship with REES Y*' and numbered D470. This document was cross-referenced to Jonathan Rees and former DCI Laurence Bucknole.

The 2000 Murder Review Report had noted that there was no '*REES Y*' on the computer system and recommended that former DCI Laurence Bucknole should be *'seen to establish the identity of "REES Y" and significance of the Notes of FILLERY's relationship with "REES Y"'*.[797]

Former DCI Laurence Bucknole was interviewed concerning the relationship between DS Sidney Fillery and somebody called 'Rees Y'. He said that he didn't know any person by that name. An examination of the original Morgan One Investigation document by the Panel shows that the handwritten title was, '*Notes of Sid FILLERY's relationship with REES.*'[798] The addition of a letter '*Y*' appears to have been a typing error.

303. The Abelard One/Morgan Two Investigation also carried out an inventory of all the filing cabinets, including the Hampshire/Police Complaints Authority Investigation filing cabinet found after the 2000 Murder Review had been completed (see Chapter 5, The 2000 Murder Review). Ultimately, all the missing documents were found.[799]

304. The 2000 Murder Review Report, and the Abelard One/Morgan Two Investigation, should have given equal weight not only to former DS Sidney Fillery's activities during the period of his participation in the Morgan One Investigation, but also to any possible compromise of the investigations into Daniel Morgan's murder, by him through his known contacts, after he left the Morgan One Investigation, and later when he retired on medical grounds from the police in 1988.

794 Action A84, '*Make further enquiries into BEAUCHAMP N113 and the alleged tape recording*', MPS059484001, 03 September 2002.
795 Action A84, MPS059484001, 09 July 2002.
796 Document D449, '*Letter & affidavit from Dodd Solicitors*', MPS011562001, 15 December 1987.
797 2000 Murder Review Report, MPS020525001, p63, paras 6.13.17 and 6.13.18, 06 October 2000.
798 Document D470, '*Notes of Sid FILLERY's relationship with REES*', MPS011583001, undated.
799 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p140, undated.

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12 Interviews with former members of the Morgan One Investigation team

305. Although the Murder Review Report had not recommended interviewing the Morgan One Investigation officers,[800] in November 2002 DCS David Cook had instructed that '*officers on the original enquiry*' should be interviewed. A Detective Sergeant identified 15 officers for interview.[801] It was determined by A/DCI Neil Hibberd, on 27 November 2002, that these interviews could yield information, as '[d]*ue to the passage of time certain members of the original inquiry may now be in a position to discuss certain aspects of the investigation, the group dynamics within the team, and comment upon those suspected of involvement in the murder at the time*'.[802] On 28 November 2002, four more officers were added to the Detective Sergeant's list.[803]

306. The list of Morgan One Investigation officers DCS David Cook identified for interview was incomplete, as nine other officers have been identified by the Panel.[804,805,806] Furthermore it did not include officers who, although they were not part of the Morgan One Investigation, nonetheless played a part in the investigation, by attending the murder scene, for example. These officers might also have contributed to the picture which the Abelard One/Morgan Two Investigation was seeking to assemble.

307. Of the 19 officers in total who were identified for interview, WDC Julie Benfield was listed twice, and the investigation team were unable to locate WDC Christine Fowles.[807,808,809]

308. Police Officer A27, former PC Stephen Thorogood, DC Paul Lombard, WDC Julie Benfield and WPC Maureen Fentiman were interviewed before DCS David Cook submitted his advice file to the Crown Prosecution Service on 07 March 2003. All other Morgan One Investigation officers were interviewed after DCS David Cook submitted his advice file to the Crown Prosecution Service (see paragraph 377 below).

800 2000 Murder Review Report, MPS020525001, pp83-91, 06 October 2000.
801 Message M113, MPS059973001, p1, 21 November 2002. The 15 officers were: D/Supt Douglas Campbell; DI Allan Jones; DS Malcolm Davidson; DS Brian Davies; DC Clive Blake; DC Michael Crofts; DC Richard Davis; DC Kinley Davies; DC Donald Leslie; DC Paul Lombard; Police Officer A27; WDC Christine Fowles; WDC Julie Benfield; WPC Maureen Fentiman; and a Woman Police Constable.
802 '*Decision*', EDN001061001, 27 November 2002.
803 Message M120, MPS059980001, p1, 28 November 2002. The additional four officers were: PC Stephen Thorogood; WDC Julie Benfield; Police Officer N21; and PC Derek Haslam.
804 Typed copies of handwritten actions A1- A1731 of the Morgan One Investigation, MPS083125001, 26 January 2015.
805 Witness statement of a Woman Police Constable, MPS018549001, 07 June 1989.
806 Witness statement of a Police Constable, MPS018559001, 15 June 1989.
807 Message M113, MPS059973001, p1, 21 November 2002.
808 Message M120, MPS059980001, p1, 28 November 2002.
809 Action A308, MPS059750001, 25 February 2003.

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309. Nine of the officers – a Detective Sergeant,[810] DC Clive Blake,[811] DC Richard Davis,[812] DC Donald Leslie,[813] DC Paul Lombard,[814] Police Officer A27,[815] WDC Julie Benfield,[816] WPC Maureen Fentiman,[817] and another Woman Police Constable[818] – were unable to provide any information which could assist the investigation.

310. The remaining eight officers who were located for interview provided information (see below). According to the material available, DS Malcolm Davidson was asked about Daniel Morgan's missing Rolex watch. DS Malcolm Davidson stated '[h]*e did not see a watch on MORGAN's wrist*'[819] (see Chapter 1, The Morgan One Investigation).

12.1 Former PC Stephen Thorogood

311. On 29 January 2003, former PC Stephen Thorogood was interviewed and made a witness statement.[820,821] He said that on 11 March 1987 he had attended the offices of Southern Investigations, with his supervisor, DS Sidney Fillery, and other members of the Catford Crime Squad. He stated that he could remember a bag being used to collect diaries and papers, but could not recall any particular papers, nor a file marked 'Belmont Car Auctions'.[822] Former PC Thorogood's statement disclosed no further lines of enquiry.

12.2 Former DC Michael Crofts

312. Former DC Michael Crofts was interviewed on 01 April 2003.[823] In a summary of the interview, the following was recorded:

i. Former DC Crofts said that former DC Peter Wilkins, who carried out occasional work for Southern Investigations (see Chapter 1, The Morgan One Investigation), had said that Daniel Morgan '*had received information about* [Kenneth] *Noye and Brinks Mat* [sic] *and was going to sell the story to the papers*'. Former DC Crofts said that he had '*put in a message to that effect but the message disappeared*'.

   This information is not recorded as having been submitted to the Morgan One Investigation by then DC Crofts. Similar information had, however, been submitted by DC Kinley Davies[824] with whom DC Crofts worked, however this did not include reference to Kenneth Noye.

ii. Former DC Crofts said that '*Glen* [sic] *VIAN was a runner for Kenneth Noye and John* [sic] *Rees also had an association with him and had given Morgan some information in relation to Noye*'.[825,826]

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810 Action A305, MPS059747001, 10 April 2003.
811 Action A302, MPS059744001, 20 June 2003.
812 Action A304, MPS059746001, 27 May 2003.
813 Action A306, MPS059748001, pp2-3, 15 May 2003.
814 Action A307, MPS059749001, 28 February 2003.
815 Action A215, MPS059645001, pp1-2, 04 October 2002.
816 Action A309, MPS059751001, pp1-2, 10 February 2003.
817 Action A310, MPS059752001, pp1-2, 08 April 2003.
818 Action A311, MPS059753001, pp1-2, 08 May 2003.
819 Action A188, MPS059613001, 20 May 2003.
820 Action A313, MPS059755001, pp1-2, 07 February 2003.
821 Witness statement of former PC Stephen Thorogood, MPS062463001, 29 January 2003.
822 Witness statement of former PC Stephen Thorogood, MPS062463001, pp1-2, 29 January 2003.
823 Action A303, MPS059745001, pp2-3, returned 01 April 2003.
824 Message M423, MPS012483001, 06 August 1987.
825 Action A303, MPS059745001, pp2-3, returned 01 April 2003.
826 The Panel assumes this to mean that that Glenn Vian ran errands for Kenneth Noye and Jonathan Rees.

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iii. He said that DI Allan Jones later told him that he and DC Davies were taken off the murder enquiry '*because they were getting too close*'.[827]

DC Crofts had previously told DI Rex Carpenter on 08 June 1989 as part of the Hampshire/Police Complaints Authority Investigation the reasons he thought he and DC Davies were taken off the investigation[828] (see Chapter 3, The Hampshire/Police Complaints Authority Investigation). DI Carpenter had reported that the matters raised by DC Crofts had been dealt with.

iv. Former DC Crofts provided information, which had been known to the Morgan One Investigation about former PC Derek Haslam, DC Alan Holmes and an alleged relationship between Kenneth Noye and former Commander Ray Adams.[829] He also reported that DC Holmes had a very close associate, who was known by a distinctive nickname.[830] DC Holmes was working, at the time of his death, with DS John Davidson, who was known by the same nickname.

313. The information then DC Michael Crofts provided regarding himself and DC Kinley Davies being removed from the Morgan One Investigation had been investigated, and there was no evidence that DC Crofts and DC Davies were taken off the murder investigation for any reason other than that cited in D/Supt Douglas Campbell's policy file: that they were no longer required (see Chapter 1, The Morgan One Investigation).

314. The information alleged by former DC Michael Crofts to have been provided to Daniel Morgan by Jonathan Rees about Kenneth Noye, that Glenn Vian was a runner for Kenneth Noye, was new evidence. Former DC Crofts should have been asked to provide a statement of exactly what he knew about what Jonathan Rees had allegedly told Daniel Morgan and when this had happened, as it may have related to the alleged police corruption. No such statement can be found.

12.3 Police Officer N21

315. Police Officer N21 had been a friend of DS Sidney Fillery and had worked on Catford Crime Squad with him at the time of Daniel Morgan's murder. Police Officer N21 also used to frequent public houses with DS Fillery, and together they would often meet Jonathan Rees.[831] He '*went on to resign or was shown as retired*' from the Metropolitan Police in 1989, and shortly afterwards worked for former DS Fillery and Jonathan Rees at Southern Investigations.[832,833]

827 Action A303, MPS059745001, p2, 01 April 2003.
828 Report R2A of DI Rex Carpenter, MPS027948001, 08 June 1989.
829 Action A303, MPS059745001, pp2-3, 01 April 2003.
830 Action A303, MPS059745001, p3, 01 April 2003.
831 Witness statement of Police Officer N21, MPS015663001, 20 November 1987. (An original copy of the witness statement has not been made available to the Panel).
832 Action A315, MPS059757001, p6, 25 April 2003.
833 Witness statement of former Police Officer N21, MPS077976001, p9, 02 February 2007.

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He had subsequently been convicted of aggravated burglary and assault. He was interviewed on 09 April 2003.[834] The summary of the interview of then former Police Officer N21 stated the following:

i. He thought it strange that Jonathan Rees and Daniel Morgan had met in the Golden Lion public house on the night of the murder, as it was known as a '*Paddys* [sic] *pub*'.

ii. He believed that Daniel Morgan was going to '*grass up a police officer about a coke deal*', though he could not be more precise.[835] Former Police Officer N21 also said that he thought Daniel Morgan had been linked to DC Alan Holmes and that there was a connection to the Brink's-Mat robbery[836].

iii. Former Police Officer N21 said that on the morning after the murder, DS Fillery '*was a* [sic] *white as a ghost*' and he believed that '*he was truly shocked by the murder*'.

iv. He said that DS Fillery had been a Freemason, and that he had held more senior rank in the Freemasons than many of his superior officers.[837]

v. He explained that one day he went into the office where the Catford Crime Squad Detective Inspector, Philip Williams, was speaking to DC Duncan Hanrahan and his partner, '*a dark-haired DC*'. Police Officer N21 wanted to put a message into the system relating to a drugs search they had conducted that day on a heroin dealer's address at a stated location where he '*had found an axe in a shed with elastoplast taped on the handle*.' He said that he had not heard any more about this message and did not believe it was followed up.[838]

There is no evidence that Police Officer N21 put such a message into the system.

316. The material available to the Panel contains two messages which were submitted to the Morgan One Investigation and which referred to the finding of an axe during a search for drugs. The first was submitted on 12 August 1987, when John Lee of the *Daily Express* newspaper telephoned the Morgan One Investigation and spoke to D/Supt Douglas Campbell. Among other things he said that Jonathan Rees had told him that '*he was very upset with the way Police are treating him as a suspect in relation to the Danny MORGAN murder*' and that '*Police are taking a blinkered view in not following up other leads*'. John Lee also told D/Supt Campbell that Jonathan Rees had '*mentioned a Drugs Deal in Catford where an address was searched and an axe was found*'.[839]

317. The second message was submitted the following day, 13 August 1987, by DC Kinley Davies (who had previously worked on the Morgan One Investigation). It said that a 4-foot tree-felling axe had been found in a shed during a search of a specific address at which he and DC Crofts assisted '*PD*' (Catford police officers). The message stated that this was '[t]*otally unconnected with your incident*'.[840]

834 Action A315, MPS059757001, p5, 25 April 2003.
835 Action A315, MPS059757001, p5, 25 April 2003.
836 Action A315, MPS059757001, p5, 25 April 2003.
837 Action A315, MPS059757001, pp5-6, 25 April 2003.
838 Action A315, MPS059757001, pp5-6, 25 April 2003.
839 Message M428, MPS012488001, pp1-4, 12 August 1987.
840 Message M432, MPS012492001, 13 August 1987.

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318. Although there is a distinct lack of clarity about this incident with the axe, there is a report of an axe being found and appropriate action having been taken. Police Officer N21 served in Catford at the time. The axe referred to in the message submitted by DC Davies did not resemble the axe used to murder Daniel Morgan and was stated by him to have no relevance to the Morgan One Investigation.

319. It was concluded that former Police Officer N21's information disclosed no further lines of enquiry. However, he later gave additional evidence to the Abelard Two Investigation (see Chapter 8, The Abelard Two Investigation).

12.4 Former PC Derek Haslam

320. Former PC Derek Haslam was interviewed on 15 April 2003.[841] In the summary of this interview, it was recorded that he had said the following:

i. Daniel Morgan and DC Alan Holmes (who was working on the Brink's-Mat robbery and was able to access numerous indices and computers) had been very close, and DC Holmes would assist Daniel Morgan with enquiries on police computers, while in return Daniel Morgan would '*wine and dine*' DC Holmes paying the bill using the Southern Investigations bank account.[842]

ii. DC Holmes and Commander Ray Adams (who, in 1987, was the head of the Criminal Intelligence Bureau at the Metropolitan Police and was under investigation for corruption (see Chapter 1, The Morgan One Investigation) were close associates, and as a result DC Holmes '*was privy to a lot of information*'.

iii. An individual, while being interviewed in an unrelated matter for possession of drugs, had told PC Haslam about the alleged corrupt activities of Commander Adams. PC Haslam had taped this conversation and passed copies of the tapes to the Metropolitan Police Complaints Department, which was conducting an anti-corruption investigation into Commander Adams. DC Holmes had later contacted PC Haslam on behalf of Commander Adams and asked to listen to the tapes. When PC Haslam refused, DC Holmes warned him that Commander Adams was threatening to kill PC Haslam and his family.[843]

DC Holmes had been interviewed in relation to allegations that he had provided information to Commander Adams about the anti-corruption investigation on 19 July 1987 and on 23 July 1987. He was subsequently found dead at his home on 28 July 1987. He left a suicide note in which he referred to PC Haslam, saying he was a '*Serpico*'.[844,845] A coroner ruled that his death was by suicide (see Chapter 1, The Morgan One Investigation).

iv. After DC Holmes's death, PC Haslam claimed DC Duncan Hanrahan took over as Commander Adams' '*bag man*'.[846] (A bag man was an unofficial role supporting a more senior officer.)

841 Intelligence report, MPS061961001, p4, 17 April 2003.
842 Intelligence report, MPS061961001, p4, 17 April 2003.
843 Intelligence report, MPS061961001, p4, 17 April 2003.
844 A reference to a film in which a fictitious police officer informed his superiors about police corruption.
845 Report of Commander Thelma Wagstaff regarding the death of DC Alan Holmes.
846 Intelligence report, MPS061961001, p5, 17 April 2003.

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The evidence indicates that neither DC Alan Holmes nor DC Duncan Hanrahan acted as '*bag man*' to Commander Ray Adams.

v. PC Haslam also said that a Detective Constable, an individual with whom DC Holmes had worked closely, may have been able to assist the investigation.[847] The Detective Constable was never identified.

Efforts were made to trace the Detective Constable who had been named by former PC Derek Haslam, but they were unsuccessful. It is not clear that a Detective Constable with that name existed.

vi. In light of allegations being made about the circumstances of DC Alan Holmes' death, Commander Thelma Wagstaff was appointed on 04 September 1987 to conduct an investigation into the matter. The Panel has had full access to her files. There is no evidence that Commander Wagstaff was aware of any communication between Daniel Morgan and DC Holmes about a possible media story about corruption.

The Panel examined all the papers available in relation to Commander Wagstaff's investigation and found no reference to Daniel Morgan in any of the papers. There was nothing to indicate any connection between Daniel Morgan and DC Holmes, and nothing to indicate any connection between the tragic deaths of the two men. PC Haslam's statements made in the days after DC Holmes' death contained no reference to Daniel Morgan.

The Panel has read all the statements which were made by PC Derek Haslam and which are available to it, including those made to the Russell Inquiry[848] and to the investigation by Commander Thelma Wagstaff into DC Holmes' death. At no stage during the previous 16 years had PC Haslam made any mention of this matter. Given that this was new and relevant information, former PC Haslam should have been asked to make a statement about this matter in 2003.

However it is extremely difficult to understand why, if former PC Haslam had information that DC Holmes and Daniel Morgan were going to sell a specific story to the press about corruption involving Commander Adams, and that this had been discovered by Commander Adams before Daniel Morgan's death, PC Haslam did not tell Commander Peter Winship, who was responsible for the Russell Inquiry, or Commander Wagstaff, or D/Supt Douglas Campbell about this after Daniel Morgan was murdered in March 1987.

847 Intelligence report, MPS061961001, p5, 17 April 2003.

848 Operation Russell was an investigation led by Commander Peter Winship into allegations of corruption made against Commander Ray Adams.

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vii. Jonathan Rees had informed PC Haslam that '*they*' (believed to be Jonathan Rees and Daniel Morgan) had arranged to meet Glenn Vian and Garry Vian in the Golden Lion public house on the night of the murder, not Paul Goodridge, as Jonathan Rees had told the Morgan One Investigation, and that Glenn Vian and Garry Vian had agreed to lend Jonathan Rees £10,000 (which had been acquired '*from drugs*') to lodge at court.[849] On 05 March 1987, the judge in the Belmont Car Auctions legal action against Southern Investigations (seeking to recover £18,280.62 plus interest and costs),[850] had directed that £10,000 was to be paid into court within 21 days.[851]

viii. Former DS Sidney Fillery had told PC Haslam that, when the police had recently searched his premises, his secretary had hidden, in her underwear, floppy discs relating to Belmont Car Auctions.[852]

PC Haslam later made the same allegation, but suggested Margaret Harrison had told him this.[853]

12.5 Former DS Malcolm Davidson

321. Former DS Malcolm Davidson was interviewed on 15 May 2003.[854] A summary of this interview recorded that former DS Davidson said the following:

i. He had not seen a watch on Daniel Morgan's wrist on the night of the murder.[855]

ii. He had thought that the Belmont Car Auctions robbery was a '*put up job*' and that DC Duncan Hanrahan had been a co-conspirator with Jonathan Rees during the robbery on 18 March 1986. DS Davidson suspected that Daniel Morgan may have found out about former DC Hanrahan's involvement and had threatened to reveal this unless Jonathan Rees and former DC Hanrahan settled the civil action against Southern Investigations.[856]

This allegation is not corroborated by any other evidence and did not assist the investigation. DC Hanrahan had been the on-call Criminal Investigation Department (CID) officer on the night of the robbery in 1986, and in his statement, he had reported that he had met Jonathan Rees for the first occasion on the night of the robbery and had reported his view that Jonathan Rees was involved in some way in the robbery.[857]

12.6 DC Kinley Davies

322. DC Kinley Davies was interviewed on 27 May 2003.[858] DC Davies said that he and DC Michael Crofts had been employed on the Morgan One Investigation. DC Davies was reported to have said that they had been '*employed on Operation King looking at people within the investigation*'.[859]

849 Intelligence report, MPS061961001, p4, 17 April 2003.
850 Writ issued against Southern Investigations, MPS010087001, 04 April 1986.
851 Order in the civil action between Belmont Car Auctions and Southern Investigations, MPS021731001, 05 March 1987.
852 Intelligence report, MPS061961001, p4, 17 April 2003.
853 Witness statement of former PC Derek Haslam, MPS001491001, p7, 04 May 2007.
854 Action A188, MPS059613001, p1, 20 May 2003
855 Action A188, MPS059613001, 20 May 2003.
856 Action A188, MPS059613001, 20 May 2003.
857 Witness statement of DC Duncan Hanrahan, MPS010354001, pp2-3, 05 June 1987.
858 Action A413, MPS059856001, p1, 27 May 2003.
859 Action A413, MPS059856001, p1, 27 May 2003.

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323. Operation King had been established following the receipt of information by PC Derek Haslam from a known offender. The Operation was based in Farnborough[860,861] and was also part of a wider investigation into Commander Ray Adams by Commander Peter Winship. The information received by PC Haslam concerned alleged corrupt activities of Commander Adams, and his connections with Kenneth Noye and a London-based organised crime group. DC Davies said that he and DC Michael Crofts had reported directly to D/Supt Douglas Campbell and DI Allan Jones on these matters.[862]

324. There is no indication that Operation King ever passed any information on to D/Supt Douglas Campbell.

325. DC Kinley Davies also said that, on returning to the office one day,[863] he found former DS John Ross going through the Morgan One Investigation files. The evidence available indicated that former DS Ross had been in the Morgan One Investigation Room the day before the first arrests for the murder of Daniel Morgan which occurred on 03 April 1987. Questions later arose as to whether the arrest operations had been compromised and whether those arrested might have known that they were to be arrested before police arrived on 03 April 1987 (see Chapter 1, The Morgan One Investigation).

326. There is no evidence that DC Kinley Davies had told anyone prior to 2002 that he had found former DS John Ross going through the files in the Morgan One Investigation room in 1987. This was a very serious breach of security and should have been reported immediately.

12.7 Former DI Allan Jones

327. Former DI Allan Jones was interviewed on 11 June 2003.[864] He referred to a number of issues, among which were the following:

i. A number of detectives on the original investigation team were poor investigators; witness accounts were taken at face value and they neglected to probe and confront obvious inconsistencies.[865]

ii. He did not instigate the removal of DC Kinley Davies and DC Michael Crofts from the Morgan One Investigation team '*as he regarded these officers as being about the only two effective detectives on the outside inquiry team*'.[866]

iii. '*The Exhibits Officer Clive BLAKE failed to deal with exhibits correctly*' and '*had also taken possession of REES' black address book from the offices at Southern Investigations*' DC Blake *later* claimed '*that* [sic] *DI JONES had asked him to get rid of it*'.[867]

860 '*Note of conversation with Kinley DAVIES 10.04.2014*', MPS108149001, pp2 and 5, 11 April 2014.
861 Action A413, MPS059856001, p1, 27 May 2003.
862 Action A413, MPS059856001, p1, 27 May 2003.
863 Action A413, MPS059856001, p1, 27 May 2003.
864 Action A299, MPS059739001, 13 June 2003.
865 Action A299, MPS059739001, 13 June 2003.
866 Action A299, MPS059739001, 13 June 2003.
867 Action A299, MPS059739001, 13 June 2003.

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iv. A fibre, which resembled the colour of a scarf seized from Jonathan Rees during the investigation, was found within the tapings on the axe.[868]

> There is no evidence in the material available that a scarf was seized from Jonathan Rees during the Morgan One Investigation. No seizure of a scarf was recorded, there is no record of such an exhibit and no record of any scarf being sent for comparison by the forensic scientists with the fibre found on the tapings of the axe. The Panel has therefore concluded that no scarf was seized from Jonathan Rees.

v. '[I]*nformation from the investigation was regularly leaked*', and former DS Sidney Fillery '*only left the Inquiry after DI JONES discovered that FILLERY was making telephone calls to REES keeping him appraised of developments*'.[869]

vi. Prior to a meeting Kevin Lennon had with Jonathan Rees, DI Jones had deployed a covert tape-recording device on Kevin Lennon, which had recorded a conversation in which Kevin Lennon said, '[d]*o you remember the conversation we had about a year ago when you asked me to get someone to kill Danny?*' and Jonathan Rees replied, '[y]*eah, vaguely, vaguely*'.[870]

> 328. The Panel has seen the transcripts of two occasions on which Kevin Lennon and Jonathan Rees had a conversation. DI Allan Jones's recollection does not accord with the recording made at the time. This line of enquiry was properly dealt with during the Morgan One Investigation.

12.8 Former D/Supt Douglas Campbell

329. Former D/Supt Douglas Campbell was interviewed on 20 June 2003.[871] The summary of the interview states the following:

i. Former D/Supt Campbell had little to add to what the investigation team already knew. He is recorded as describing the Morgan One Investigation team as one that '*was not as professional or efficient as he would have liked*' and that he was reliant on the staff he had been given.[872]

ii. A week into the investigation D/Supt Campbell had realised the closeness between Jonathan Rees and DS Sidney Fillery, and that DS Fillery had been strongly suspected of contacting Jonathan Rees and discussing the progress of the enquiry.[873]

868 Action A299, MPS059739001, 13 June 2003.
869 Action A299, MPS059739001, 13 June 2003.
870 Action A299, MPS059739001, 13 June 2003.
871 Action A298, MPS059738001, pp1-3, 30 June 2003.
872 Action A298, MPS059738001, pp1-3, 30 June 2003.
873 Action A298, MPS059738001, pp1-3, 30 June 2003.

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iii. Former D/Supt Campbell had regarded DC Michael Crofts and DC Kinley Davies as '*conspiracy theorists*'. He believed that they introduced '*new ideas*' into the investigation in order to prolong the work and thus increase the opportunities for overtime.[874]

Former DC Kinley Davies had said in his interview in May 2003 that he and DC Michael Crofts '*had been employed on Operation King looking at people within the investigation*'. There is no evidence that either D/Supt Douglas Campbell or his deputy, DI Allan Jones, were asked about Operation King. They should have been asked whether any information had been received, and if so, what that information was and what actions had been taken as a result of the receipt of the information.

330. D/Supt Douglas Campbell's evidence did not generate any lines for further enquiry.

331. The Panel has closely examined the records of contacts made and interviews conducted by the Abelard One/Morgan Two Investigation team with officers involved in the Morgan One Investigation. No new lines of enquiry emerged. Police officers or former police officers could either remember little of their part in the Morgan One Investigation or they largely recapitulated what they had earlier claimed to have done, seen or thought.

332. A number of officers from the Morgan One Investigation should also have been considered for interview, including DI Christopher Horne, DS Graham Frost and the two indexers.[875] Dr Michael Heath, the pathologist, and the forensic photographer should also have been interviewed.

No officers from the Hampshire/Police Complaints Authority Investigation were interviewed, although the reports which some officers had produced were of significance and interviews might have led to further investigative opportunities which had not been pursued by DCS Alan Wheeler, the Senior Investigating Officer of the Hampshire/Police Complaints Authority Investigation.

333. In the light of the information provided by former PC Derek Haslam and former DC Michael Crofts, in relation to the alleged corruption story, DCS David Cook should have sought from the Gold Group an extension to his Terms of Reference.

874 Action A298, MPS059738001, pp1-3, 30 June 2003.

875 An 'Indexer' is someone who indexes information to create a searchable database for a police investigation.

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13 Other investigative actions

13.1 Southern Investigations' finances

334. The 2000 Murder Review made 13 recommendations relating to Daniel Morgan's business activities at Southern Investigations.[876] One of these related to an allegation reported to the police by John Peacock in December 1987.[877] He had said that Jonathan Rees had told him that Daniel Morgan had embezzled £12,000 from Southern Investigations.[878] John Peacock had made five statements before December 1987 but did not mention this alleged embezzlement in any of them.[879,880,881,882,883]

335. John Peacock's allegation led to recommendation 31 of the 2000 Murder Review, that a financial profile of Southern Investigations be drawn up '*to establish whether MORGAN had embezzled £12,000 from Southern Investigations*'.[884] It was thought by the 2000 Murder Review that this could have been a motive for Daniel Morgan's murder.[885]

336. Police had seized a number of financial documents during the Morgan One Investigation, including some bank statements for the business and personal accounts of both Daniel Morgan and Jonathan Rees. Files held by William Newton, their accountant, were provided to the Abelard One/Morgan Two Investigation.[886]

337. The Abelard One/Morgan Two Investigation commissioned a forensic accountant to review all available financial records.[887,888,889,890] Many financial records were unavailable, including some bank statements, bank mandates, information about who was authorised to sign cheques for Southern Investigations, invoices and other materials.[891,892] The books of the partnership had not been written up for six months prior to Daniel Morgan's murder, due to the imprisonment of the previous bookkeeper, Kevin Lennon.[893,894]

338. No partnership agreement had been found. Information as to the arrangements underpinning the partnership, and the way in which it was conducted, was received from Jonathan Rees and others. Iris Morgan, Daniel Morgan's widow, disputed a lot of the information provided by Jonathan Rees.

876 2000 Murder Review Report, MPS020525001, pp83-92, 06 October 2000.
877 2000 Murder Review Report, MPS020525001, p45, paras 6.11.27-6.11.29, 06 October 2000.
878 Message M643, MPS012703001, p2, 16 December 1987.
879 Witness statement of John Peacock, MPS010533001, 07 April 1987.
880 Witness statement of John Peacock, MPS010537001, pp1-2, 21 July 1987.
881 Witness statement of John Peacock, MPS010540001, 24 September 1987.
882 Witness statement of John Peacock, MPS010544001, p1, 12 October 1987.
883 Witness statement of John Peacock, MPS010545001, 03 November 1987.
884 2000 Murder Review Report, MPS020525001, p45, para 6.11.29, 06 October 2000.
885 2000 Murder Review Report, MPS020525001, p45, para 6.11.27, 06 October 2000.
886 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p24, 07 March 2003.
887 The forensic accountant produced three reports which covered D J Morgan and W J Rees trading as Southern Investigation. These reports were included in the financial profile of Southern Investigations produced by the Abelard One/Morgan Two Investigation.
888 '*Review of Cessation Accounts for the Period 01/03/86 to 10/03/87*', MPS060066001, pp28-35, 27 September 2002.
889 '*Review of Correspondence files held by Lean, Newton & Cary*', MPS060066001, pp36-49, 28 October 2002.
890 '*Conclusions based on: Review of Cessation accounts for the period 01/03/86 to 10/03/87 (27/09/02) and Review of Correspondence files held by Lean, Newton & Cary (28/10/2002)*', MPS060066001, pp50-52, 29 October 2002.
891 '*Review of Cessation Accounts for the Period 01/03/86 to 10/03/87*', MPS060066001, p29, 27 September 2002.
892 '*Conclusions based on: Review of Cessation accounts for the period 01/03/86 to 10/03/87 (27/09/02) and Review of Correspondence files held by Lean, Newton & Cary (28/10/2002)*', MPS060066001, p51, 29 October 2002.
893 '*Review of Correspondence files held by Lean, Newton & Cary*', MPS060066001, p36, 28 October 2002.
894 '*Conclusions based on: Review of Cessation accounts for the period 01/03/86 to 10/03/87 (27/09/02) and Review of Correspondence files held by Lean, Newton & Cary (28/10/2002)*', MPS060066001, p51, 29 October 2002.

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339. In October 2002, the police forensic accountant produced three reports. Two of these reports reviewed the company's accounts for the period 01 March 1983 to 10 March 1987, and the company's correspondence files. The third report drew conclusions based on the company's accounts and correspondence files. However, the forensic accountant also stated that further information was required and listed 11 questions. Some of the 11 questions were answered, but others remained unanswered.[895] The reports from the forensic accountant were subsequently appended to an undated and unsigned financial profile, which was created by the Abelard One/ Morgan Two Investigation.[896]

340. Among the findings in this report were the following:

i. A bank account was created for Southern Investigations on 07 March 1983. The first payments from that account into the bank accounts of Daniel Morgan and Jonathan Rees were on 14 June 1983 and amounted to £500 each. This was said to be payment for work done for the partnership before that date.[897,898]

ii. A goodwill payment of £3,500 from Jonathan Rees to Daniel Morgan was said to have been agreed, but this is evidenced only in an affidavit prepared by Kevin Lennon on 30 September 1987.[899] Iris Morgan disputed this valuation.[900]

iii. On 30 June 1983 the sum of £3,500 was paid from the Southern Investigations bank account into Daniel Morgan's personal account. It is not known whether this was payment for the goodwill of the business.[901]

iv. On 30 September 1987, Kevin Lennon stated that the £3,500 payment for goodwill was to be paid by standing order at the rate of £150 a month.[902]

v. A standing order of £100 a month, drawn on the Southern Investigations bank account and payable to DJM Investigations Ltd, one of Daniel Morgan's accounts, was created on 01 July 1983. It rose to £150 per month on 01 April 1984. At the time of Daniel Morgan's murder in March 1987, these standing order payments from Southern Investigations to DJM Investigations totalled £6,350.[903] No explanation other than that given by Jonathan Rees and Kevin Lennon has been provided in relation to this standing order.

vi. A standing order was created in March 1985 through which £40 a month was paid from the Southern Investigations account to Jonathan Rees's account at Legal and General (a financial services company)[904,905] until 08 August 1988.[906]

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895 '*Additional Information*', MPS060066001, p53, undated.
896 '*Financial profile Southern Investigations*', MPS060066001, pp4-26, undated.
897 '*Financial profile Southern Investigations*', MPS060066001, pp7 and 9, undated.
898 '*Review of Cessation Accounts for the Period 01/03/86 to 10/03/87*', MPS060066001, p31, 27 September 2002.
899 Affidavit of Kevin Lennon, MPS060066001, p55, 30 September 1987.
900 '*Conclusions based on: Review of Cessation accounts for the period 01/03/86 to 10/03/87 (27/09/02) and Review of Correspondence files held by Lean, Newton & Cary (28/10/2002)*', MPS060066001, p50, 29 October 2002.
901 '*Financial profile Southern Investigations*', MPS060066001, p20, undated.
902 Affidavit of Kevin Lennon, MPS060066001, p55, 30 September 1987.
903 '*Financial profile Southern Investigations*', MPS060066001, p6, undated.
904 '*Review of Cessation Accounts for the Period 01/03/86 to 10/03/87*', MPS060066001, p31, 27 September 2002.
905 Midland Bank statements for Southern Investigations, MPS008852001, p73, 28 March 1985.
906 Letter from Legal and General to Jonathan Rees, MPS027082001, 08 August 1988.

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The only explanations provided for these payments from the Southern Investigations account have come from Jonathan Rees and Kevin Lennon.

All these payments were drawn on the Southern Investigations bank account operated jointly by Jonathan Rees and Daniel Morgan. The payments were taken from the profits and therefore half of each payment was provided by each partner.

It was erroneously assumed by the forensic accountant and others that the payments to Daniel Morgan had been made solely by Jonathan Rees. This was incorrect.

vii. Daniel Morgan and Jonathan Rees were paid £650 each a month from 01 July 1983. This rose to £800 a month from 01 August 1986.[907]

viii. The partnership bookkeeping had been of a low standard. The accounts which had been prepared by Kevin Lennon were inaccurate and were not certified. It was evident that not all transactions were recorded in the company accounts. Cash receipts were not allocated to invoices. Client monies were not properly accounted for. Personal expenses had been included as business expenses in the partnership accounts.[908]

ix. Southern Investigations' turnover had increased year-on-year from £47,780 in 1984 to £153,814 in 1987. Profit, however, had not been increasing. Increased costs eliminated any increase in profits.[909]

x. Southern Investigations was in serious financial difficulties at the time of Daniel Morgan's death.[910] The Southern Investigations bank account was overdrawn in the sum of £7,661.85,[911] and the bank was pressing for their accounts in order to review the overdraft facility.[912] Cash withdrawals had spiralled out of control during the accounting period 01/03/1986 to 10/03/1987.

These cash drawings amounted to in excess of £20,600. Both partners had agreed that they had drawn cash from the business. However, it is not known what amount each had withdrawn, nor can it be established whether anyone else was able to withdraw cash.

xi. VAT returns were late and VAT in the sum of £8,200.98 was overdue.[913]

907 '*Review of Cessation Accounts for the Period 01/03/86 to 10/03/87*', MPS060066001, p31, 27 September 2002.
908 '*Review of Cessation Accounts for the Period 01/03/86 to 10/03/87*', MPS060066001, p28, 27 September 2002.
909 '*Financial profile Southern Investigations*', MPS060066001, p20, undated.
910 '*Financial profile Southern Investigations*', MPS060066001, p20, undated.
911 Midland Bank statements for Southern Investigations, MPS008852001, p9, 11 March 1987. (The bank statements actually show that the account was £7,665.81 overdrawn on this date).
912 '*Financial profile Southern Investigations*', MPS060066001, p21, undated.
913 '*Review of Cessation Accounts for the Period 01/03/86 to 10/03/87*', MPS060066001, p31, 27 September 2002.

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xii. In July 1986, Daniel Morgan had paid £2,116.60 to the Inland Revenue in respect of the tax years 1981/1982 and 1982/1983, before the partnership existed. Following enforcement proceedings taken by the Inland Revenue he had, on 19 February 1987, paid further tax of £1,965.25.[914]

xiii. Partnership tax was four years in arrears and unfunded. The partners' tax liabilities had been estimated by William Newton to be approximately £24,400 plus possible interest and penalties. He had notified Daniel Morgan and Jonathan Rees on 25 February 1987.[915,916]

xiv. The forensic accountant calculated that in addition to this, the partnership was insolvent, with net liabilities of £14,825 as at March 1987, '*due to the partners drawing in excess of the profit earned by the Partnership during the final period of trading*'.[917]

xv. '*The Partnership faced a court action from a client, Belmont Auctions, for loss of funds*.'[918]

341. In early 2003, the Abelard One/Morgan Two Investigation used the forensic accountant's report to provide a profile of the financial situation at Southern Investigations.

342. The financial profile report stated that there were 12 bank accounts relating to either Jonathan Rees or Daniel Morgan, and that they believed Daniel Morgan and Jonathan Rees had at least another bank account each, for which the police had no records.[919] The report reiterated the findings of the forensic accountant.

343. It also stated that in November 1986 it had been decided to split the bailiff side of the business from the process and investigative side, under the name Morgan, Rees & Co, and that Daniel Morgan would work with his stepfather, Anthony Pearce, and Malcolm Webb.[920] Iris Morgan had explained to police that:

> '[…] *by setting up Morgan Rees & Co Daniel was carefully making sure the effort he was putting into his work was being rewarded instead of going to John* [sic] *Rees who was considered by Daniel not to be pulling his weight.*'[921]

344. The report noted that:

> '[t]*he financial implications of this restructuring would have been quite damaging to Rees if he was to be cut out of the profits of the bailiffing side. However, no new bank accounts appear to have been opened to divide the proceeds of each side of the business and the accounts that have been drawn up do not differentiate between the two sides.*'[922]

914 Letter from Lean, Newton, and Cary to the Inland Revenue Enforcement Office, MPS060066001, p58, 19 February 1987.
915 '*Financial profile Southern Investigations*', MPS060066001, p21, undated.
916 '*Review of Correspondence files held by Lean, Newton & Cary*', MPS060066001, p36, 28 October 2002.
917 '*Conclusions based on: Review of Cessation accounts for the period 01/03/86 to 10/03/87 (27/09/02) and Review of Correspondence files held by Lean, Newton & Cary (28/10/2002)*', MPS060066001, p51, 29 October 2002.
918 '*Conclusions based on: Review of Cessation accounts for the period 01/03/86 to 10/03/87 (27/09/02) and Review of Correspondence files held by Lean, Newton & Cary (28/10/2002)*', MPS060066001, p50, 29 October 2002.
919 '*Financial profile Southern Investigations*', MPS060066001, p21, undated.
920 Malcolm Webb was an employee of Southern Investigations.
921 '*Financial profile Southern Investigations*', MPS060066001, p16, undated.
922 '*Financial profile Southern Investigations*', MPS060066001, p16, undated.

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345. It was not possible to audit fully the financial position of Southern Investigations. There were too many missing documents and '*the state of the accounts were so poor*'.[923]

346. In December 1987, John Peacock[924] had told police that Jonathan Rees had told him that Daniel Morgan had embezzled £12,000 from Southern Investigations.[925] Extensive forensic investigation did not reveal any such embezzlement. The financial profile paints a picture of a chaotic situation, in which both partners may have had suspicions that the other was drawing more than he should have done, but there is no evidence to support or refute this in the material available.

347. Some of the liabilities of Southern Investigations and of Daniel Morgan and Jonathan Rees on 10 March 1987 were indicated by the fact that:

i. the Southern Investigations bank account was in debit to the sum of £7,212.28 on 10 March 1987;[926]

ii. VAT in the sum of £8,200.98 was overdue;[927]

iii. unpaid tax had been calculated at £24,400 plus possible interest and penalties;[928]

iv. partnership net trading liabilities amounted to £14,825 as at March 1987;[929] and

v. the Belmont Car Auctions legal action was for £18,280.62 plus interest and costs.[930] The judge had directed on 05 March 1987 that £10,000 was to be paid into court within 21 days.[931]

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923 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp25-26, 7 March 2003.
924 2000 Murder Review Report, MPS020525001, p45, paras 6.11.27-6.11.29, 06 October 2000. Message M643, MPS012703001, p2, 16 December 1987.
925 Message M643, MPS012703001, p2, 16 December 1987.
926 '*Bank account schedule – Midland, Barclays & TSB*', MPS008857001, p3, undated.
927 '*Review of Cessation Accounts for the Period 01/03/86 to 10/03/87*', MPS060066001, p31, 27 September 2002.
928 '*Review of Correspondence files held by Lean, Newton & Cary*', MPS060066001, p36, 28 October 2002.
929 '*Conclusions based on: Review of Cessation accounts for the period 01/03/86 to 10/03/87 (27/09/02) and Review of Correspondence files held by Lean, Newton & Cary (28/10/2002)*', MPS060066001, p51, 29 October 2002.
930 Writ issued against Southern Investigations, MPS010087001, 04 April 1986.
931 High Court Order in the civil action between Belmont Car Auctions and Southern Investigations, MPS021731001, 05 March 1987.

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13.2 Miscellaneous other issues investigated pursuant to the 2000 Murder Review

348. The Abelard One/Morgan Two Investigation was committed to examining all the recommendations made by the 2000 Murder Review.[932] Recommendations investigated and not otherwise dealt with in this chapter during the Abelard One/Morgan Two Investigation included the following:

i. Three lines of enquiry about other crimes involving the use of an axe which had not been completed satisfactorily by the Morgan One Investigation.[933,934,935] None of these enquiries generated evidence linking the individuals to the murder of Daniel Morgan.[936,937,938,939,940]

ii. Two recommendations concerned the possibility that Daniel Morgan had been murdered due to mistaken identity.[941,942] One recommendation was followed up properly but proved unconnected.[943] Although the outcome to the other recommendation concluded that there did not appear to be any evidence that the murder of Daniel Morgan was a case of mistaken identity,[944] this recommendation was not comprehensively followed up.

iii. One recommendation concerned photographs showing a man with a resemblance to Daniel Morgan found at Waterloo Station.[945,946] However this matter had been properly dealt with by the Morgan One Investigation.

iv. Four recommendations related to telephone calls received or telephone numbers recorded by the Morgan One Investigation.[947,948,949,950] All were followed up and could either not be traced or were found to involve typing or recording errors.[951,952,953,954,955] No useful information was found.

932 Minutes of meeting, MPS040543001, p1, 06 June 2002.
933 2000 Murder Review Report, Recommendation 50, MPS020525001, pp53-54, 06 October 2000.
934 2000 Murder Review Report, Recommendation 59, MPS020525001, p58, 06 October 2000.
935 2000 Murder Review Report, Recommendation 60, MPS020525001, pp58-59, 06 October 2000.
936 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, pp137-139, undated.
937 Action A76, MPS059472001, 05 December 2002.
938 Message M122, MPS059982001, p1, 05 December 2002.
939 Action A77, MPS059474001, 06 February 2003.
940 Action A65, MPS059459001, p2, 07 July 2003.
941 2000 Murder Review Report, Recommendation 25, MPS020525001, p42, 06 October 2000.
942 2000 Murder Review Report, Recommendation 38, MPS020525001, p48, 06 October 2000.
943 Action A54, MPS059444001, 04 August 2002.
944 Action A19, MPS059388001, p1, 11 September 2002.
945 2000 Murder Review Report, Recommendation 37, MPS020525001, p47, 6 October 2000.
946 Action A53, MPS059443001, p1, 04 September 2002.
947 2000 Murder Review Report, Recommendation 26, MPS020525001, p42, 06 October 2000.
948 2000 Murder Review Report, Recommendation 28, MPS020525001, p43, 6 October 2000.
949 2000 Murder Review Report, Recommendation 29, MPS020525001, p44, 06 October 2000.
950 2000 Murder Review Report, Recommendation 30, MPS020525001, p44, 06 October 2000.
951 Action A20, MPS059389001, p1, 01 August 2002.
952 Action A22, MPS059393001, p1, 18 July 2002.
953 Action A23, MPS059395001, p1, 18 July 2002.
954 Action A24, MPS059398001, pp1-2, 11 November 2002.
955 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p133, undated.

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v. A recommendation was made to carry out an analysis of the movements and contacts of James Cook (the alleged driver of the getaway car) at the time of Daniel Morgan's murder.[956] However, James Cook was stated to have refused to provide any information to the investigation.[957,958] It was established that James Cook was a close associate of Glenn Vian and Jonathan Rees.[959]

vi. A recommendation was made to assess whether to approach an individual associated with Garry Vian who was a known criminal.[960] However, in light of a risk assessment, a decision was made not to approach him.[961]

> The decision not to approach the named individual was justified given the content of the risk assessment.

vii. Thirty-six recommendations were also made in respect of approaching other named individuals.[962] These were followed up, but nothing emerged to assist the investigation.

viii. Nine recommendations related to aspects of Daniel Morgan's work of recovering debts, property and even children in family disputes, some of which had allegedly led to threats being made against him.[963,964,965,966,967,968,969,970,971] All the issues were investigated. Some of the persons could not be traced.[972] No evidence emerged suggesting a plausible explanation for Daniel Morgan's murder.

ix. Three recommendations related to anonymous tip-offs concerning responsibility for Daniel Morgan's murder.[973,974,975] All three had previously been investigated[976,977,978] during the Morgan One and Hampshire/Police Complaints Authority investigations.

956 2000 Murder Review Report, Recommendation 18, MPS020525001, p38, 06 October 2000.
957 Action A47, MPS059431001, 27 January 2003.
958 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p131, undated.
959 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p131, undated.
960 2000 Murder Review Report, Recommendation 63, MPS020525001, p59, 06 October 2000.
961 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p139, undated.
962 2000 Murder Review Report, MPS020525001, pp83-90, 06 October 2000.
963 2000 Murder Review Report, Recommendation 22, MPS020525001, p41, 06 October 2000.
964 2000 Murder Review Report, Recommendation 45, MPS020525001, pp51-52, 06 October 2000.
965 2000 Murder Review Report, Recommendation 47, MPS020525001, pp52-53, 06 October 2000.
966 2000 Murder Review Report, Recommendation 48, MPS020525001, p53, 06 October 2000.
967 2000 Murder Review Report, Recommendation 49, MPS020525001, p53, 06 October 2000.
968 2000 Murder Review Report, Recommendation 52, MPS020525001, p55, 06 October 2000.
969 2000 Murder Review Report, Recommendation 53, MPS020525001, p55, 06 October 2000.
970 2000 Murder Review Report, Recommendation 56, MPS020525001, p57, 06 October 2000.
971 2000 Murder Review Report, Recommendation 61, MPS020525001, p59, 06 October 2000.
972 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p132, pp136-139, undated.
973 2000 Murder Review Report, Recommendation 43, MPS020525001, p50, 06 October 2000.
974 2000 Murder Review Report, Recommendation 54, MPS020525001, p55, 06 October 2000.
975 2000 Murder Review Report, Recommendation 56, MPS020525001, p57, 06 October 2000.
976 Action A550, MPS032477001, 07 July 1989.
977 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p138, undated.
978 Extensive inquiries were carried out by the Morgan One Investigation which culminated in the interview of George Osbourne, MPS010900001, 01 February 1988.

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x. A recommendation that '*consideration should be given to using the services of the National Crime Faculty for intelligence purposes in this case*' to see whether it would be possible to create '*a psychological profile of the killer from examination of the crime scene photographs*'.[979]

Attempts were made to secure a psychological profile of the murderer. On 22 October 2001, a Detective Constable recorded that he had spoken to the National Crime Faculty and had been told that as motives had been identified and suspects had already been prosecuted, the National Crime Faculty was unable to assist. The Detective Constable was advised to refer the matter to a pathologist.[980] Nothing further was done. In fact, no suspects had been prosecuted by October 2001.

The Panel attempted to find the relevant policy of the National Crime Faculty and was unable to identify any documentation. Offender profiling, both psychological and general, was an investigative technique which might have yielded valuable results to the investigation.

xi. A recommendation was made that Peter Wilkins (a former Detective Constable who had worked with Southern Investigations) be interviewed in relation to information he had previously provided. Peter Newby had told him of Jonathan Rees's concern about '*indiscreet comments*' he had made about his relationships with police officers and which he feared had been recorded when he met a police officer who was '*taped up*' shortly before 03 December 1987[981,982] (see Chapter 1, The Morgan One Investigation). Former DC Wilkins was interviewed. He '*denied saying that* [Peter] *NEWBY had told him of REES's concerns about being covertly tape recorded*'.[983]

xii. During the Morgan One Investigation it had been established that there was a record in a bank statement referring to '*W.J.REES*', trading as Southern Security Services at an address in West Croydon.[984,985,986] '*Southern Security Services*' was the name under which Jonathan Rees traded prior to his partnership with Daniel Morgan. A recommendation was made that it be fully researched.[987]

Enquiries undertaken by the Abelard One/Morgan Two Investigation revealed that the property belonged to Croydon Council, whose records showed that no-one by the name of '*REES*' had ever occupied the property.[988] No further lines of enquiry were identified in relation to this matter.

979 2000 Murder Review Report, Recommendation 77, MPS020525001, p74, 06 October 2000.
980 Action A27, MPS040347001, 05 November 2001.
981 2000 Murder Review Report, Recommendation 32, MPS020525001, p45, 06 October 2000.
982 Message M651, MPS012711001, 14 December 1987.
983 Action A28, MPS059404001, p2, 08 January 2003.
984 Action A166, MPS013229001, 16 March 1987.
985 '*W J REES ESQ*' bank statement, MPS062082001, 13 December 1982.
986 2000 Murder Review Report, MPS020525001, p50, 06 October 2000.
987 2000 Murder Review Report, Recommendation 40, MPS020525001, p50, 06 October 2000.
988 Action A56, MPS059446001, 23 August 2002.

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xiii. Several 2000 Murder Review Report recommendations identified possible leads which were required to be followed up as they were broadly linked to the murder scene.[989] This included the observation by police officers first on the scene, of a Rolls-Royce in the vicinity.[990,991,992] This matter was followed up and no further lines of enquiry emerged.

xiv. A recommendation to establish the outcome of the court proceedings between Belmont Car Auctions and Southern Investigations was followed up.[993,994] The out-of-court settlement in respect of the Belmont Car Auctions civil action was said by a former Director of Belmont Car Auctions to be very close to the figure of £18,260.82 sought.[995]

13.2.1 Forensic issues

349. The 2000 Murder Review Report had analysed the forensic element of the investigation of Daniel Morgan's death and reported that the murder weapon and some items of Daniel Morgan's clothing had been found at Eltham Police Station and had previously been stored in another location. There was no documentary continuity to these exhibits, which meant that it would have been extremely difficult to present any new evidence which might have emerged from them in any subsequent prosecution.

350. Former Commander Andre Baker told the Panel that he did recall seeing an axe in an exhibit bag at Eltham Police Station. It was put to him during an interview with the Panel that the axe was stored in an en-suite toilet at Eltham Police Station. Former Commander Baker was unable to recall if this was the case. However, he did recall the axe being taken away by an officer, who, he was fairly sure, was working on the 2000 Murder Review.[996] Former Commander Baker followed up this conversation with an email message to a member of the Panel on the evening of 07 March 2018, the day he was interviewed. He said in the email:

> *'I have checked my diaries for 1999 and up to April 2000. I cannot see an entry of finding the axe in the en-suite at Eltham. However, I do recall that there were a lot of items "stored" in that room – papers etc. As well as some of my predecessors* [sic] *items. I never went through them. I clearly recall a male officer coming in one day and said he was looking for an item or items from an enquiry. I am fairly sure he was on the review team. I do recall the axe that was in an exhibit bag and asking why was it there. I cannot recall what was said. He took the item away and I recall him making an entry in a book he had with him. I recall that this prompted a clearing of the papers and items from the en-suite. I cannot recall what happened to it all. I think I asked* […] *to deal with the items.'*[997]

989 2000 Murder Review Report, MPS020525001, pp83-91, 06 October 2000.
990 2000 Murder Review Report, Recommendation 23, MPS020525001, p41, 06 October 2000.
991 2000 Murder Review Report, Recommendation 24, MPS020525001, p41, 06 October 2000.
992 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p133, undated.
993 2000 Murder Review Report, Recommendation 57, MPS020525001, p58, 06 October 2000.
994 Response to the recommendations outlined in the 2000 Murder Review Report, MPS094325001, p138, undated.
995 Action A74, MPS059470001, 01 August 2002.
996 Panel interview with former Commander Andre Baker, p10, 07 March 2018.
997 Email to the Panel from former Commander Andre Baker, 07 March 2018.

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351. The fact that the axe was not properly stored as an exhibit meant any evidence emerging from any later forensic examination of the axe for the purpose of a trial would have been open to challenge on the grounds that the chain of custody of the axe could not be established. This was a very serious failing.

In 2020, the Metropolitan Police told the Panel that a review was conducted by Operational Forensic Manager, Jason Weetman, in August 2009, in which he stated that '[a]*lthough the continuity of the axe has possibly been lost from the seizure of the item at the Post Mortem examination, the integrity of the item is still believed to be maintained as it had been located in sealed packaging*'. However, it remains a very distinct probability that the integrity of the axe would be challenged in any future proceedings.

352. Various items had been submitted by the 2000 Murder Review for forensic testing, including the murder weapon and tapings from it, items of Daniel Morgan's clothing,[998] his shoes,[999] and three blood-stained banknotes, which were part of the larger sum of money which had been found on Daniel Morgan's body.[1000]

353. Following the completion of the 2000 Murder Review, on 09 March 2001, Philip Toates, who worked for the Forensic Science Service and had been the forensic scientist working on the Morgan One Investigation (see Chapter 1, The Morgan One Investigation), wrote to DI Steve Hagger (who led the 2000 Murder Review) providing the results of the testing which had occurred, advising him of the following:

i. Daniel Morgan's trousers had been re-examined in detail. Slightly more blood was located than had been found in the original, limited, examination of the garment. However, tests proved inconclusive.[1001] Further examination of the damaged area of the trousers by Philip Toates did not provide any scope for additional investigation or any new information.[1002]

   During interview with the Panel in 2016, Philip Toates said that blood typically presents in obvious forms. His notes indicated that when the trousers were first examined, DNA profiling was not available, and the staining would not have been suitable for DNA profiling in 2001.[1003]

ii. A sample of the blood found on Daniel Morgan's shirt had been used to obtain his DNA profile for comparison with results obtained from other items.[1004] Although the sample produced an incomplete profile, probably as '*a consequence of its condition and age*',[1005] it '*did give an indication of the likely full profile*'.[1006]

998 Document D175, Letter to DI Steve Hagger from Philip Toates, MPS061526001, pp3-5, 09 March 2001.
999 2000 Murder Review Report, MPS020525001, pp75-76, 06 October 2000.
1000 Record of property concerned in crime, MPS026878001, p1, 11 March 1987.
1001 Document D175, Letter to DI Steve Hagger from Philip Toates, MPS061526001, p4, 09 March 2001.
1002 Document D175, Letter to DI Steve Hagger from Philip Toates, MPS061526001, p5, 09 March 2001.
1003 Panel interview with Philip Toates, p2, 03 August 2016.
1004 Document D175, Letter to DI Steve Hagger from Philip Toates, MPS061526001, p3, 09 March 2001.
1005 Document D175, Letter to DI Steve Hagger from Philip Toates, MPS061526001, p3, 09 March 2001.
1006 Document D175, Letter to DI Steven Hagger from Philip Toates, MPS061526001, p3, 09 March 2001.

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354. The bank notes which had been re-submitted and had previously been exposed to treatments for the development of latent finger marks were unsuitable for any DNA profiling tests: very little of the original blood staining remained, since most had been cut out in the initial examination. Three samples, which had been retained prior to finger mark treatments, were submitted for DNA Short Tandem Repeat[1007] profiling. Only one sample from the £10 note gave a weak and incomplete result which indicated the presence of DNA from at least two different people. Some of the DNA components might have come from Daniel Morgan himself. DNA components, which could not have come from Daniel Morgan, need not have originated from blood on the note but may have been due to accumulated sweat and/or skin debris, given that the bank note must have been handled by numerous people. No evidential significance could be attached to the findings from this bank note.[1008]

355. On 01 June 2002, an Exhibits Officer was instructed to identify and transfer exhibits and papers from all previous investigations into Daniel Morgan's murder.[1009] On 10 June 2002, he handed over 21 original exhibits concerning forensic evidence from the Morgan One Investigation to A/DCI Neil Hibberd,[1010] who then handed these items to DC Peter Summers on 11 June 2002.[1011] These items formed the first 21 items in the Abelard One/Morgan Two Investigation Exhibit Book.[1012]

356. The Panel has established that Daniel Morgan's trousers were not handed to DC Peter Summers on 11 June 2002.[1013] The Panel has been unable to identify exactly where Daniel Morgan's trousers were held in 2002, as the first entry into the HOLMES2 database was recorded in 2003, indicating that Daniel Morgan's trousers were by then stored in the Metropolitan Police exhibits store.[1014]

357. After examining the results of the testing commissioned by the 2000 Murder Review, the Abelard One/Morgan Two Investigation revisited several aspects of the forensic evidence to see whether technological advances would enable more information to be extracted.[1015]

358. During an office meeting held on 30 April 2001, DCI David Zinzan had suggested a reconstruction of Daniel Morgan's murder using the pathology reports completed at the time to see whether it was possible to secure a physical profile of the suspect, for example establishing the height of the assailant(s) or whether they were right- or left-handed.[1016]

1007 Short Tandem Repeat profiling is a sensitive DNA analysis technique. A DNA (or Short Tandem Repeat) profile obtained from a human body fluid such as blood or saliva can be compared with the Short Tandem Repeat [profile] of a given person. If the profiles are different then the body fluid could not have originated from the person in question. If, on the other hand, the Short Tandem Repeat profiles are the same, then that individual, and anyone else who shares the same profile, can be considered as a possible source of the body fluid. The significance of finding such a match can then be assessed. Source: Witness statement of a LGC Forensics Senior Reporter/Lead Scientist, MPS078620001, pp8-9, 16 May 2007.
1008 Document D175, Letter to DI Steve Hagger from Philip Toates, MPS061526001, p4, 09 March 2001.
1009 Action A197, MPS041062001, 01 June 2002.
1010 Schedule of exhibits book given to DCI Neil Hibberd, MPS042646001, pp2-5, 10 June 2002. (Daniel Morgan's trousers had erroneously been included in this schedule).
1011 21 x screenshots from the exhibits database on the Metropolitan Police D25 HOLMES2 computer account for the Morgan Two Investigation, MPS109751001, 11 June 2002.
1012 21 x screenshots from the exhibits database on the Metropolitan Police D25 HOLMES2 computer account for the Morgan Two Investigation, MPS109751001, 11 June 2002.
1013 Morgan Two Investigation HOLMES2 computer record – exhibits database, exhibit X2, (trousers of Daniel MORGAN), 11 June 2002.
1014 Morgan Two Investigation HOLMES2 computer record – exhibits database, exhibit X2, (trousers of Daniel MORGAN), 11 June 2002.
1015 Letter to A/DCI Neil Hibberd from Philip Toates, MPS005301001, pp3-5, 21 May 2003.
1016 Minutes of meeting, MPS040531001, p2, 30 April 2001.

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359. There were lengthy and extensive discussions with the forensic scientist Philip Toates about possible avenues of enquiry.[1017] Requests were made for further examination of four items which had been submitted to the laboratory during the Morgan One Investigation: the axe,[1018] the sticking plaster (Elastoplast) found on the axe,[1019] Daniel Morgan's trousers[1020] and his suit jacket.[1021]

13.2.1.1 The axe and the Elastoplast tape from the axe

360. On 10 May 2001, the Elastoplast tape that was stuck to the handle of the axe was subjected to further DNA testing using a new technique, 'SGN plus'.[1022,1023] Philip Toates reported on 15 June 2001 that DNA profiling had been attempted on three areas of the plaster dressing with negative results.[1024] He confirmed this result in 2003.[1025]

361. It was established that there were three partial fingerprint marks[1026] on the axe.[1027,1028] These marks were checked against the fingerprints of James Cook, Glenn Vian, Garry Vian, former DS Sidney Fillery, Paul Goodridge and former Police Officer Z31.[1029,1030] Negative results were provided on 18 May 2001.[1031] Records show that the marks were not checked against the fingerprints of Jonathan Rees because no fingerprints were available at that time.[1032] However, as Jonathan Rees had been convicted of perverting the course of justice on 14 December 2000, his fingerprints should have been available to the Abelard One/Morgan Two Investigation (see Chapter 4, Operation Nigeria/Two Bridges). Jonathan Rees's fingerprints were compared with the fingerprints found on the murder weapon in 2016. No useful marks were found.[1033]

13.2.1.2 Hairs and fibres found when the axe was first examined

362. On 21 May 2003, Philip Toates reported that Sellotape tapings with adhering hairs and fibres found when the axe was first examined, were unsuitable for Low Copy Number DNA testing.[1034]

363. A number of hairs which had been recovered from the packaging of the axe, and from the head of the axe itself (which may have come from Daniel Morgan, and which had not been examined in any detail in 1987) could not be found in 2003 among the retained material located at the laboratory. It was reported to be unlikely that the hairs would be recovered.[1035]

1017 Panel interview with Philip Toates, 03 August 2016.
1018 Action A8, MPS040331001, 14 May 2001.
1019 Action A9, MPS040341001, 14 May 2001.
1020 Action A9, MPS040370001, 14 May 2001.
1021 Action A348, MPS005991001, 20 February 2003.
1022 Minutes of meeting, MPS040534001, p2, 14 May 2001.
1023 Action A19, MPS040341001, 14 May 2001.
1024 Document D108, Letter to DCI David Zinzan from Philip Toates, MPS042545001, p3, 15 June 2001.
1025 Letter to DI Hibberd from Philip Toates, MPS005301001, p3, 21 May 2003.
1026 A partial fingerprint mark which is found on a surface has insufficient ridge detail to provide the identification of a person by the comparison of their fingerprints with the mark that was found to an evidential standard.
1027 Message to a Detective Constable, MPS109542001, p5, undated.
1028 Minutes of meeting, MPS040531001, p1, 30 April 2001.
1029 Minutes of meeting, MPS040531001, p1, 30 April 2001.
1030 Fingerprint examination schedule, MPS109542001, p8, undated.
1031 Message to the Detective Constable, MPS109542001, p6, 18 May 2001.
1032 Fingerprint examination schedule, MPS109542001, p8, undated.
1033 '*Major Crime Fingerprint Report*', MPS109636001, pp8 and 40, 14 June 2016.
1034 Letter to DI Hibberd from Philip Toates, MPS005301001, pp4-5, 21 May 2003.
1035 Letter to DI Hibberd from Philip Toates, MPS005301001, p5, 21 May 2003.

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13.2.1.3 Daniel Morgan's jacket and trousers

364. Philip Toates subsequently explained to the Panel that the jacket had been bagged-up and any loose hairs on the jacket would have been in that bag. He did not think that he had re-examined the jacket.[1036] He explained that, when visually examining an item such as the jacket, he would spread brown paper on an examination bench, placing the jacket on the paper. When finished, he would fold the item up in the brown paper, put it in the exhibits bag and seal it. This would mean any loose hairs or extraneous fibres would be caught in the brown paper.[1037]

365. An attempt was made to determine whether saliva from Daniel Morgan's attacker could be found on his jacket, as this might enable DNA examination. However, it was established through liaison with Philip Toates that this would not be possible because of the previous testing.[1038]

366. Tests for saliva were carried out on Daniel Morgan's jacket in 2006 during the Abelard Two Investigation (see Chapter 8, The Abelard Two Investigation). Nothing to assist the investigation was found.

> 367. Although there is no suggestion Philip Toates had not carried out the work effectively, the Panel considers that the Abelard One/Morgan Two Investigation should have initiated an independent review of the original exhibits, submissions, reports and case notes in 2002. A second forensic scientist could have brought a fresh pair of eyes and an independent perspective to the review of the material.

13.2.1.4 The search for further forensic evidence

368. It was decided to ascertain what examinations, if any, had been conducted on any clothing attributable to Jonathan Rees and Glenn Vian for consideration of further forensic examination. The Panel enquired of the Metropolitan Police whether this had been done and were advised by email that the Metropolitan Police '*has been unable to locate a documented result for the relevant actions to check whether Jonathan REES's*[1039] *and Glenn VIAN's*[1040] *clothing had been submitted for forensic testing*'.[1041] The Panel has been unable to ascertain which clothing it was intended to test. The Panel has found no evidence that any clothing was tested.

369. None of Jonathan Rees's clothing had been seized during the Morgan One Investigation so none could be re-submitted for forensic testing.[1042,1043,1044,1045] The Hampshire/Police Complaints Authority Investigation had seized and submitted for examination, among other items, one red jumper belonging to Jonathan Rees.[1046,1047,1048] This jumper, which had '*a tiny stain at the right*

1036 Panel interview with Philip Toates, p4, 03 August 2016.
1037 Panel interview with Philip Toates, p2, 03 August 2016.
1038 Action A348, MPS059788001, p1, 20 February 2003.
1039 Action A43, '*Ascertain if William Jonathan Rees's Clothing was submitted to the forensic lab*', MPS040906001, 11 June 2001.
1040 Action A43, '*Ascertain if Glen* [sic] *VIAN's clothing was submitted to the forensic lab*', MPS040906001, 11 June 2001.
1041 E-mail response from Metropolitan Police, 17 May 2016.
1042 Witness statement of DI Allan Jones, MPS010549001, p1, 09 April 1987.
1043 Witness statement of D/Supt Douglas Campbell, MPS010913001, p2, 06 April 1987.
1044 Premises search record for Southern Investigations, MPS014843001, 03 April 1987.
1045 Custody record of Jonathan Rees, MPS014837001, p3, 03 April 1987.
1046 Witness statement of a Police Constable, MPS018139001, p1, 07 April 1989.
1047 Articles forwarded for examination, MPS021872001, p1, 13 February 1989.
1048 Letter to DCS Alan Wheeler from Philip Toates, MPS071212001, p1, 14 July 1989.

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cuff', was found at Jonathan Rees's business address in 1989.[1049,1050] The stain was identified as being '*blood of human origin*', however it had not been possible to group the blood from this red jumper.[1051] This jumper had been returned to Jonathan Rees on 06 July 1989 (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).[1052]

370. Attempts were made to establish the whereabouts of the raincoat worn by Jonathan Rees on the night of Daniel Morgan's murder[1053,1054] (see Chapter 1, The Morgan One Investigation). Jonathan Rees had said that he had left it with his solicitor, Michael Goodridge.[1055] On 18 September 2002, a witness statement was taken from Michael Goodridge. He was asked about his knowledge of the raincoat that Jonathan Rees was wearing on the evening of Daniel Morgan's murder. In response, he stated that '[t]*o the best of my knowledge I at no time took possession of this item of property and I do not believe that my firm which has represented Jonathan REES on occasions had any dealings with regards to this coat*'.[1056]

371. One pair of trousers, seized on 03 April 1987, described as belonging to Glenn Vian, had been sent for forensic examination for traces of blood which might be identical to the blood found on the axe.[1057] No blood had been found on the trousers.[1058] No further testing was conducted.

372. The Abelard One/Morgan Two Investigation team could have done more to secure forensic evidence, particularly in light of the advancing technology. The Panel's independent forensic expert, Dr Kathryn Mashiter, stated that the fibres retrieved from the murder weapon should have been given much more attention than they were by Philip Toates.

1049 Witness statement of the Police Constable, MPS018139001, p1, 07 April 1989.
1050 Letter to DCS Alan Wheeler from Philip Toates, MPS071212001, pp1-2, 14 July 1989.
1051 Letter to DCS Alan Wheeler from Philip Toates, MPS071212001, p2, 14 July 1989.
1052 Exhibit Label TIM/15, MPS011672001, 06 July 1989.
1053 Action A29, MPS059405001, 11 November 2002.
1054 Action A30, MPS059412001, 20 September 2002.
1055 Action A1623, MPS014686001, p1, 28 April 1988.
1056 Witness statement of Michael Goodridge, MPS062396001, 18 September 2002.
1057 Report to submit various articles belonging to Daniel Morgan to the forensic laboratory, MPS025489001, 13 April 1987.
1058 Forensic report by Philip Toates, MPS011412001, p3, 19 August 1987.

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373. Most of the recommendations of the 2000 Murder Review Report were acted on, although a few appear not to have been pursued to the extent that they might have been (for example, making a further attempt to speak to former DC Thomas Kingston). The Panel has found no evidence that the recommendations were formally prioritised, and it is difficult, retrospectively, to gauge whether the investigative resources and effort devoted to the recommendations was proportionate to their potential importance and emerging evidential value. The Panel has concluded that the fit between priority and investigative effort was generally good. The main focus was on the 'key suspects' or 'witnesses' and the evidence gathered generally matched the analysis of the Murder Review Report and the proposition that major evidential advances were likely to come from covert surveillance focused on the 'key suspects', which was undertaken by the Abelard One/Morgan Two Investigation.

13.3 Intelligence received

374. On 24 June 1998, information was received by the Metropolitan Police alleging that '*REECE's* [sic] *wife's brother was responsible for the murder of Daniel MORGAN at the Golden Lion PH in Sydenham*'.[1059] The intelligence report appears to imply that the source of this information had been told this by former DC Duncan Hanrahan, who was reported as saying that Daniel Morgan had been about to expose police corruption.[1060] The source of this information was recorded as '*Known to the Officer*'. The Abelard One/Morgan Two Investigation followed up on this and tried to ascertain the source of this information.[1061] Nothing useful was obtained from this line of enquiry.

14 DCS David Cook's advice file to the Crown Prosecution Service, March 2003

14.1 Summary of DCS David Cook's advice file

375. On 07 March 2003, DCS David Cook submitted his advice file, which set out the material and evidence the Abelard One/Morgan Two Investigation had obtained, to the Crown Prosecution Service.[1062]

376. The file, which comprised 129 pages, contained a detailed description of the conduct and methodology of the Abelard One/Morgan Two Investigation, including where and when covert probes had been placed, how this was combined with conventional surveillance, and how triggers were employed in the hope that it would provoke the key suspects to discuss Daniel Morgan's murder, possibly incriminating themselves. It included some analysis of the post mortem and the previous investigations of Daniel Morgan's murder, before concluding with a review of the evidence against the key suspects.[1063]

1059 Message M110, MPS040230001, 01 August 2002.
1060 Intelligence report, MPS047138001, p2, 24 June 1998.
1061 Message M110, MPS040230001, 01 August 2002.
1062 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp2-130, 07 March 2003.
1063 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp2-130, 07 March 2003.

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377. The file concluded that '*the investigation team* [were] *of the firm belief that there* [was] *sufficient evidence to charge William Jonathan REES, Glen* [sic] *VIAN and James COOK with a Conspiracy to Murder Daniel MORGAN*'.[1064] DCS David Cook sought advice as to whether James Cook, Person D28 and Person D29 should be charged with conspiracy to pervert the course of justice, in respect of their plan to provide a false alibi for James Cook on the night of the murder. He sought advice as to whether former DS Sidney Fillery should be charged with misconduct in public office.[1065] The file contained a report on the activities of former DS Fillery, in relation to the role which the family of Daniel Morgan believed he may have played in planning and covering up the murder.[1066] Finally, he sought advice in relation to a number of other issues, unrelated to the murder of Daniel Morgan, which had emerged during the course of the investigation.

378. The report opened with a short biography of Daniel Morgan, after which DCS David Cook provided background information about Jonathan Rees, Glenn Vian and James Cook, as well as '*Other Relevant Persons*' whose names arose during the course of the report.[1067] DCS Cook also provided an account of Southern Investigations and the Belmont Car Auctions robbery,[1068] before turning his attention to possible motives for the murder of Daniel Morgan.[1069]

14.1.1 Possible motives for the murder as described by DCS David Cook

379. The file examined the various motives which had been identified over the years, saying that some of these suggested motives were '*honestly held opinions of the victim's friends and family, and some the result of speculation and misinformation*'.[1070,1071] These motives were:

i. '*The ill-feeling brought about by the Belmont Car Auctions civil action*';

ii. '*The Disgruntled Client*';

iii. '*Robbery*';

iv. '*Financial embezzlement by Daniel MORGAN*';

v. '*Daniel MORGAN's affair with Margaret* HARRISON';

vi. '*REES's hatred of MORGAN*'; and

vii. '*That the murder of Daniel MORGAN is linked to the suicide of DC HOLMES*.'[1072]

14.1.1.1 The first possible motive: 'The ill-feeling brought about by the Belmont Car Auctions civil action'

380. DCS David Cook recorded that the civil action taken by Belmont Car Auctions to recover £18,280.62 had caused Daniel Morgan '*much anxiety and annoyance*', that '*he had serious misgivings about the robbery being genuine*', and that the requirement, following the preliminary

1064 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p130, 07 March 2003.
1065 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p130, 07 March 2003.
1066 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p6, 07 March 2003.
1067 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp5-15, 07 March 2003.
1068 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp15-21, 07 March 2003.
1069 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp21-32, 07 March 2003.
1070 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p21, 07 March 2003.
1071 2000 Murder Review Report, MPS020525001, pp35, 45, 49, 51, 52, 55, 57, and 61, 06 October 2000.
1072 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp21-32, 07 March 2003.

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court hearing on 05 March 1987, to deposit £10,000 with the High Court had '*made MORGAN both furious and depressed. This may have driven REES to finally dispense with an already hated, troublesome partner*.'[1073]

14.1.1.2 The second and third possible motives: 'The Disgruntled Client' and 'Robbery'

381. After a short review of the information available to him, DCS David Cook concluded in his report that there was '*no evidence*' that the motive was that of a disgruntled client, and that '*robbery as a motive appears to be highly unlikely*'.[1074] DCS Cook noted that '*MORGAN received a "heavy call" upon his return from repossessing a vehicle in MALTA in February 1987*'.[1075] He concluded that '[t]*his motive has been investigated by the previous and current investigation teams and a number of individuals have been traced, interviewed and eliminated. There is no evidence to suggest that his* [Daniel Morgan's] *death was caused by an aggrieved client* [...].'[1076]

382. In considering the possibility that Daniel Morgan was murdered in the course of a robbery, DCS David Cook outlined DC Noel Cosgrave's statement that he had seen a watch on Daniel Morgan's wrist as he lay in the car park of the Golden Lion public house,[1077] despite this evidence contradicting DC Cosgrave's former statements (in three statements he had not mentioned a watch on Daniel Morgan's body, and in one he was unable to say whether a watch was on Daniel Morgan's body). DCS Cook then stated that there was no evidence to identify the person who had stolen the watch. Noting that the large sum of money which Daniel Morgan had had in his pocket had not been stolen, and the way in which Daniel Morgan had been murdered, he concluded that '*robbery as a motive appears to be highly unlikely*'.[1078]

14.1.1.3 The fourth possible motive: an allegation of 'Financial embezzlement by Daniel MORGAN'

383. According to John Peacock, Jonathan Rees had told him that Daniel Morgan had been involved with financial embezzlement from Southern Investigations. Analysis of the finances of Southern Investigations had been carried out by the Abelard One/Morgan Two Investigation. DCS David Cook concluded in his report that the financial dealings identified by the forensic accountant,[1079,1080,1081,1082] and the fact that Daniel Morgan had set up another company with the intention of substantially reducing the amount of money which Jonathan Rees would receive from Daniel Morgan's work, '*adds to an overall motive for REES*'.[1083]

14.1.1.4 The fifth possible motive: 'Daniel MORGAN's affair with Margaret HARRISON'

384. Daniel Morgan's affair with Margaret Harrison had been investigated by both the Morgan One (see Chapter 1) and Hampshire/Police Complaints Authority investigations (see Chapter 3). Margaret Harrison had admitted that she was not telling the truth, both to these investigations

1073 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp21-22, 07 March 2003.
1074 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp22-24, 07 March 2003.
1075 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp22-23, 07 March 2003.
1076 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p23, 07 March 2003.
1077 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p23, 07 March 2003.
1078 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp23-24, 07 March 2003.
1079 Financial Report of the forensic accountant, '*Review of Cessation of Accounts for the Period 01/03/86 to 10/03/87*', pp29-32, MPS060066001, 27 September 2002.
1080 '*Review of Correspondence files held by Lean, Newton & Cary*', MPS060066001, pp36-49, 28 October 2002.
1081 '*Conclusions based on: Review of Cessation accounts for the period 01/03/86 to 10/03/87 (27/09/02) and Review of Correspondence files held by Lean, Newton & Cary (28/10/2002)*', MPS060066001, pp50-52, 29 October 2002.
1082 '*Financial profile Southern Investigations*', MPS060066001, pp4-26, undated.
1083 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p27, 07 March 2003.

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and during her evidence at the Inquest, about the extent of her involvement with Jonathan Rees. Margaret Harrison was visited twice by the Abelard One/Morgan Two Investigation, in June and October 2002.[1084,1085] The record of the first meeting stated that she had been '*very reluctant to speak to police*'.[1086] She had said that she was '*close*' to Jonathan Rees, whom she had visited in prison,[1087] and that she still moved in the '*same circles*' as she had at the time of the murder.[1088]

385. DCS David Cook noted that letters retrieved during a search of Law & Commercial's offices revealed that Margaret Harrison was responsible for Jonathan Rees's financial affairs while he was in prison.[1089]

386. Having provided a summary of the evidence regarding Margaret Harrison,[1090] DCS David Cook concluded that '[i]*t is reasonable to believe that prior to MORGAN's murder, some form of relationship had commenced between REES and HARRISON. They are still in a relationship today and she visits him in prison on a regular basis. The fact that MORGAN was meeting HARRISON socially could have only added to REES' dislike of him.*'[1091]

14.1.1.5 The sixth possible motive: 'REES's hatred of MORGAN'

387. DCS David Cook reported that a number of individuals had provided evidence of '*the ill feeling between MORGAN and REES*'.[1092] He referred to the fact that Jonathan Rees '*grew to despise MORGAN. He couldn't suffer his personality, his behaviour, and client complaints about MORGAN's inability to deal with files in the office.*'[1093] He concluded, '[t]*he relationship between the partners had deteriorated over the years to a point where REES was often openly hostile towards MORGAN and both were talking to third parties about ending the partnership. REES* [sic] *hatred of MORGAN could have only contributed to an overall motive.*'[1094]

14.1.1.6 The seventh possible motive: 'That the murder of Daniel Morgan is linked to the suicide of DC HOLMES'

388. Earlier in his advice file, DCS David Cook had stated in relation to Daniel Morgan that '[i]*t is not known whether MORGAN was a Freemason, but there is information that a police associate, DC Alan* ['Taffy'] *HOLMES, was intending to introduce him into a Lodge in the Croydon area*'.[1095]

389. While considering evidence of any possible link between the death by suicide of DC Alan Holmes and the motive for the murder of Daniel Morgan, DCS David Cook reiterated the accusation made by Jonathan Rees to DCS Alan Wheeler of the Hampshire/Police Complaints Authority Investigation, that '*HOLMES, Ray ADAMS and the Brinksmat* [sic] *job was connected to the murder of Danny MORGAN. Danny had been to the Private Eye and another paper. He was to get £10,000 for this information*'[1096] (see Chapter 3, The Hampshire/Police Complaints Authority Investigation). He also relayed similar information received from a witness, who

1084 Action A6, MPS059373001, p1, 29 June 2002.
1085 Action A230, MPS059664001, p1, 10 October 2002.
1086 Action A6, MPS059373001, p1, 29 June 2002.
1087 Action A230, MPS059664001, p1, 10 October 2002.
1088 Action A6, MPS059373001, p1, 29 June 2002.
1089 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p10, 07 March 2003.
1090 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp27-28, 07 March 2003.
1091 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p29, 07 March 2003.
1092 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p29, 07 March 2003.
1093 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p29, 07 March 2003.
1094 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p30, 07 March 2003.
1095 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p5, 07 March 2003.
1096 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p30, 07 March 2003.

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stated that '[s]*he had been told by REES that Daniel MORGAN had obtained information from DC HOLMES regarding the activities of Commander ADAMS and the Brinksmat* [sic] *robbery and that he was going to sell this information to a newspaper*'.[1097]

390. DCS David Cook recounted the corruption investigation into Commander Ray Adams and the associated investigation into DC Alan Holmes for providing information to Commander Adams about the corruption investigation.[1098] DCS Cook went on to report the death by suicide of DC Holmes in July 1987, the circumstances of which he said had been '*fully investigated*'.[1099] He concluded that '[t]*here is nothing to link the death of DC HOLMES, the activities of ex-Commander ADAMS, or the Brinksmat* [sic] *robbery to the MORGAN murder*',[1100] and added:

> '[i]*t is possible that the Brinksmat* [sic] *robbery, and the death of DC HOLMES was seen as a convenient piece of misinformation for REES to exploit in order to divert the investigation team. There is certainly no evidence linking either issue to MORGAN's death.*'[1101]

391. There is no evidence in the material available to the Panel to support the allegation that DC Alan Holmes's death was linked to the death of Daniel Morgan, and therefore the Panel accepts the finding by DCS David Cook that there was no connection.

392. DCS David Cook had previously reported that DC Alan Holmes was intending to introduce Daniel Morgan to a Masonic Lodge in the Croydon area.[1102] Any possible connection with Freemasonry was not investigated during DCS Cook's investigation, although the links between different police officers who were members of the Masonic Order were investigated at various times after Daniel Morgan's death.

393. DCS David Cook's statement that Daniel Morgan was to be introduced to Freemasonry by DC Alan Holmes was not supported by any first-hand account. There was no firm evidence that the two men even knew each other.

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1097 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp30-31, 07 March 2003.
1098 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp30-31, 07 March 2003.
1099 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p31, 07 March 2003.
1100 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p31, 07 March 2003.
1101 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p32, 07 March 2003.
1102 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p5, 07 March 2003.

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14.1.2 DCS David Cook's conclusion regarding motive

394. In his report, DCS David Cook concluded that:

> *'*[a]*lthough a number of motives have been examined, it is the investigation team's view that a combination of motives resulted in REES conspiring to have MORGAN murdered. It is believed that the ill-feeling between the partners surrounding the Belmont Car Auctions civil action, REES' affair with Margaret HARRISON, MORGAN's withdrawal of cash from the business, and REES' general hatred of MORGAN, all contributed towards a strong motive for REES.'*[1103]

14.2 The analysis of events leading up to the murder, and the murder itself

395. In examining the events leading up to the murder,[1104] DCS David Cook took as his starting point the fact that '[i]*t is clear that MORGAN was upset by the Belmont Car Auctions affair and in particular that Southern Investigations had to submit £10,000 with the Court*'.[1105] He also noted that Jonathan Rees's '*police associates were likely to be placed in jeopardy, as it would be alleged during any civil proceedings that they were "moonlighting" as security guards*'.[1106]

396. DCS David Cook also noted reports from Iris Morgan and a woman who had allegedly had an affair with Daniel Morgan, about Daniel Morgan's depression and worry about the civil action.[1107]

397. DCS David Cook went on to detail evidence that Jonathan Rees was with former DS Sidney Fillery on either 07 or 08 March 1987, and that on 08 March 1987, Jonathan Rees contacted James Cook from his car phone, a matter of which the Morgan One Investigation became aware, but '[h]*is significance was not appreciated at that time and the inquiry was not followed to conclusion*'.[1108]

398. DCS David Cook described the visit by Daniel Morgan and Jonathan Rees to the Dolphin public house and the Golden Lion public house on 09 March 1987 (see Chapter 1, The Morgan One Investigation), commenting that it was '*unusual for them to be drinking in the Sydenham area*'.[1109]

399. DCS David Cook noted that various individuals had described Daniel Morgan as being loud and argumentative on the evening of 09 March 1987, and that he and DS Sidney Fillery had had an argument in the Golden Lion public house.[1110] Former DS Fillery acknowledged in Autumn 2020 to the Panel that he and Daniel Morgan had a '*heated discussion*' on the evening of 09 March 1987 but that '*it all ended amicably*'.

1103 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p32, 07 March 2003.
1104 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp32-38, 07 March 2003.
1105 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p34, 07 March 2003.
1106 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p33, 07 March 2003.
1107 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p34, 07 March 2003.
1108 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p34, 07 March 2003.
1109 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p35, 07 March 2003.
1110 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p35, 07 March 2003.

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400. DCS David Cook then summarised the events on the day of the murder, as identified by the Morgan One and Hampshire/Police Complaints Authority investigations.[1111] He described those who had been identified as being in the Golden Lion public house, noting that there was '*little direct evidence as to the presence of MORGAN and REES in the pub, and no evidence of the conversation they were involved in*' on 10 March 1987.[1112]

401. In considering the choice of the Golden Lion public house for the meeting that evening, DCS David Cook concluded that it was a strange choice, given that it was not a regular venue for Jonathan Rees, Daniel Morgan or Paul Goodridge (who denied that he had been invited to attend and did not attend) and did not appear to be particularly convenient for any of them.[1113] DCS Cook wrote that:

> '[w]*hatever the reason for choosing the Golden Lion very few people other than REES, MORGAN and MORGAN's killer/s were aware of the location of the meeting. Presumably, if anyone had a personal grudge against MORGAN they would have more chance of finding him in the Thornton Heath area where he worked and socialised.*'[1114]

402. DCS David Cook recorded the discovery of Daniel Morgan's body by a witness and noted there had been '*no deflected or defence wounds on* [Daniel Morgan's] *body. The handle of the axe had been taped with two rings of plaster, which may have aided the attackers* [sic] *grip. All of these factors suggest that the attack was premeditated and well planned*.'[1115]

14.2.1 The scene of the murder

403. DCS David Cook described the car park of the Golden Lion public house as being a '*poorly lit, enclosed area*';[1116] that '[f]*ew properties overlook the car park and views from them are extremely restricted*';[1117] and that '[i]*t is highly improbable that pedestrians using the pub would go to the unnecessary lengths of using the rear entrance*'.[1118] These factors led DCS Cook to conclude:

> '[i]*t is therefore reasonable to assume that anyone secreted in the car park would be undisturbed other than by headlights of a vehicle using the bumpy alleyway leading to the car park, or by the additional light reflected from the public house when a customer left via the rear entrance to walk to the car park.*
>
> *'The attacker would have the advantage of being in complete control of an enclosed area and be aware of others that might be in the vicinity.'*[1119]

14.2.2 Events immediately after the murder

404. DCS David Cook commented that '[t]*here are a number of inconsistencies surrounding REES* [sic] *account of his movements following his departure from the pub*'.[1120]

1111 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp34-38, 07 March 2003.
1112 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p39, 07 March 2003.
1113 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p37, 07 March 2003.
1114 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p38, 07 March 2003.
1115 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p38, 07 March 2003.
1116 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p40, 07 March 2003.
1117 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p40, 07 March 2003.
1118 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p40, 07 March 2003.
1119 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p40, 07 March 2003.
1120 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p41, 07 March 2003.

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405. DCS David Cook also noted that DS Sidney Fillery's alibi for the evening of 10 March 1987 had not been checked by the Morgan One Investigation, and that it had proved difficult for the Hampshire/Police Complaints Authority Investigation to complete satisfactorily the investigation of the matter.[1121] DCS Cook concluded that:

> *'*[t]*here is no direct evidence to suggest that FILLERY was involved in the murder, however, he cannot be excluded from the planning phase, or frustrating the initial investigation.'*[1122]

14.3 The original Metropolitan Police investigation

406. DCS David Cook presented many of the findings made by the previous investigations into Daniel Morgan's murder within the advice file.[1123] He went on to recount D/Supt Douglas Campbell's conclusion in his final report to the Coroner after the Morgan One Investigation had been concluded that, '*whilst he suspected REES of committing or commissioning the murder there was insufficient evidence to bring criminal charges*'[1124] and that '[t]*here was no evidence against the VIAN brothers or the police officers*'.[1125]

14.4 The surveillance and probe evidence gathered by the Abelard One/ Morgan Two Investigation

407. DCS David Cook listed the three phases of covert surveillance, the various police activities designed to promote discussion between the suspects, the use of telephone billing to assist in the analysis of what was heard on the probes (which had been placed in Person P9's home, Glenn Vian's home, and James Cook's car), and the material gathered on each day of the surveillance. He also reported on the various actions which had been taken by police to trigger conversation.[1126]

14.4.1 The first phase of surveillance: 25 June 2002 – 12 July 2002

408. DCS David Cook identified several events which he believed to be relevant from the telephone bill analysis and from the transcripts of the recordings of conversations during the first phase of covert surveillance.[1127] The transcript excerpts which DCS Cook described included conversations recorded on 25 June 2002[1128] and 26 June 2002.[1129]

409. There was a conversation between Glenn Vian and Kim Vian on Friday 28 June 2002, in which he mentioned James Cook and a car. DCS David Cook reported the conversation which related to a car which had been damaged by Glenn Vian, including Glenn Vian's comments below:

i. '*hoping that Gary* [sic] *would've got off...*',

ii. '*he's paid to ditch the other fucking motor*,' and

1121 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p42, 07 March 2003.
1122 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p42, 07 March 2003.
1123 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp43-75, 07 March 2003.
1124 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p54, 07 March 2003.
1125 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p54, 07 March 2003.
1126 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp75-119, 07 March 2003.
1127 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp77-86, 07 March 2003.
1128 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp77-79, 07 March 2003.
1129 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp79-80, 07 March 2003.

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iii. '[w]*hat do you think I'm going to do, go down...all down...*'.[1130]

410. The meaning of these remarks was ambiguous. DCS David Cook did not make any comment.[1131]

411. A 20-minute telephone call had occurred on 29 June 2002 between a telephone at HMP Ford (where Jonathan Rees was imprisoned), former DS Sidney Fillery's home address and Glenn Vian's home address. There was no conversation recorded for unknown reasons, but DCS David Cook stated that, while he acknowledged that the people involved would have had a valid interest in the reinvestigation, it was significant that Jonathan Rees, former DS Fillery and Glenn Vian had contacted each other at this time.[1132]

14.4.2 The second phase of surveillance: 23 September – 16 November 2002

412. DCS David Cook reported in detail on the material gathered during the second phase of covert surveillance.[1133] This included a description of the events following the meeting between James Ward, his solicitor and the Abelard One/Morgan Two Investigation on 01 October 2002.[1134]

413. Also, among the events DCS David Cook reported were the following:

i. 01 October 2002, when Glenn Vian and another unidentified individual discussed the meeting that had taken place between James Ward and the police that day.[1135]

ii. 03 October 2002, when Person P9 was arrested and provided information to the police.[1136]

iii. 03 October 2002, when two telephone conversations took place between a telephone at HMP Ford (where Jonathan Rees was a prisoner), and the home of Glenn Vian: one at 11.59 and one at 18.06.[1137] Regarding the second call, DCS David Cook reported that '[s]*he* [Kim Vian] *speaks to* '*John*' *but there is nothing of significance in the conversation recorded*'.[1138] DCS Cook also reported that Kim Vian had said, '[t]*hey got him. They know he knows something and that he ain't saying nothing*.'[1139]

iv. The evening of 03 October, when James Cook collected Person D28 and Person D29 and took them to a restaurant. DCS David Cook suggested that '*the reason for this meeting was to arrange a false alibi for* [James] *COOK*' and that James Cook '*may have been anticipating a visit from the investigation team*'.[1140]

v. Early on 04 October 2002, when Glenn Vian was recorded saying that Garry Vian had once told him that '*Sid bought walkie-talkies (inaudible) that's how he got (inaudible)*'.[1141] DCS David Cook said in his report that '*it can only be speculated that*

1130 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p81, 07 March 2003.
1131 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p81, 07 March 2003.
1132 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p82, 07 March 2003.
1133 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp86-109, 07 March 2003.
1134 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp87-109, 07 March 2003.
1135 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p87, 07 March 2003.
1136 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p88, 07 March 2003.
1137 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp88-89, 07 March 2003.
1138 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p89, 07 March 2003.
1139 Audio summary, MPS043964001, p2, 03 October 2002.
1140 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p89, 07 March 2003.
1141 Audio summary, MPS050027001, p3, 04 October 2002.

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perhaps two way radios were used on the night of the murder to ensure the area was clear of potential witnesses, or to provide a signal to the killer. In light of this it is not possible to preclude FILLERY from the planning phase of the murder'.[1142]

vi. 05 October 2002, when James Cook was recorded discussing the arrest of Person P9.[1143] The excerpt DCS Cook provided in his report included the following comment from James Cook:

> *'I said to Jackie if they could, if they put a contract out on me, the only other way now is to fucking (inaudible) their only way to do that is by either putting me up, or fucking fitting me up on a moody fucking charge, or fucking planting something on me really…'.*[1144]

DCS Cook assessed that this comment by James Cook referred to '[Person P9] *talking to the police, and his belief that* [Person P9] *and* [Person F11] *had conspired to murder him in 1999, and their only option now was to fit him up*'.[1145]

vii. DCS David Cook also provided summaries of the events recorded by surveillance on 07 October 2002, 10 October 2002 and 12 October 2002.[1146]

414. DCS David Cook went on to describe the police visit to Glenn Vian's brother-in-law on 17 October 2002 and said that the visit '*generated a lot of conversation*'.[1147] DCS Cook then detailed extracts of these conversations in his report.[1148] However, no lines of enquiry for the murder investigation resulted from these conversations. DCS Cook then explained that the investigation into Daniel Morgan's murder had been interrupted by activity between Garry and Glenn Vian which indicated to police that they were about to commit a crime using a firearm.

415. Further conversations were reported which related to the arrest of Garry Vian on 19 October 2002.[1149] DCS David Cook explained that Glenn Vian had been heard during the late evening of 21 October 2002 speaking about kidnap and torture and saying, '*…that's why we've got to be careful about what we do to him…*'.[1150,1151] DCS Cook stated that, as a result, a decision was made to carry out 24-hour armed surveillance on Glenn Vian, as '[i]*t was suspected that Glen* [sic] *and Gary* [sic] *may attempt to interrogate those whom they suspected of talking to the investigation team*'.[1152]

416. After describing the arrest of Glenn Vian on 24 October 2002, DCS Cook explained that the surveillance phase of the investigation had ended in October 2002 '*when it was decided to review the information gathered. The investigation continued with various lines of inquiry*', including visiting Person D28 and Person D29 to ascertain their knowledge of James Cook.[1153]

1142 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p93, 07 March 2003.
1143 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp94-95, 07 March 2003.
1144 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p94, 07 March 2003.
1145 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p95, 07 March 2003.
1146 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp95-100, 07 March 2003.
1147 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p101, 07 March 2003.
1148 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp101-102, 07 March 2003.
1149 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp104-105, 07 March 2003.
1150 Audio summary, MPS043924001, p3, 21 October 2002.
1151 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p105, 07 March 2003.
1152 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p105, 07 March 2003.
1153 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp107-109, 07 March 2003.

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417. Despite DCS David Cook's detailed summary of the product from the second phase of surveillance within the advice file, this phase had produced no new evidence to support the charges for murder that DCS Cook proposed. Although conversations were recorded between various people, such conversation was to be expected given the level of police activity in relation to the murder investigation.

14.4.3 The third phase of surveillance: 16–20 December 2002

418. In this section of his report, DCS David Cook described the arrest and interview of Jonathan Rees and the arrest of James Cook, both of which occurred on 16 December 2002, reporting that '[i]*t was decided to interview John REES about the conversations regarding the murder gathered during Op Two Bridges. It was also decided to present Jimmy COOK with the probe material gathered during Operation MORGAN 2. It was hoped that this would generate further conversations within the VIAN household*.'[1154]

419. The excerpts of the transcripts from the third phase of covert surveillance reported to the Crown Prosecution Service by DCS David Cook included a conversation which took place following the arrests and a chance meeting between Kim Vian's daughter and members of the Abelard One Investigation team on 16 December 2002.[1155] The transcripts show that during the course of this conversation, Glenn Vian said '*obviously they know that Jimmy Cook's not got an alibi*'.[1156] Later Glenn Vian also said, '*what he's done is he's got them as an alibi and he's got it wrong*'.[1157] The Panel interprets this as referring to Person D28 and Person D29. DCS Cook did not include this information within the advice file.

420. DCS David Cook did report that, during this conversation, Glenn Vian and his wife also discussed her suggestion that she should provide alibi evidence for Glenn Vian. DCS Cook said that Glenn Vian '*went on to explain to his wife that she would be put under enormous pressure at Court if he used her as an alibi witness. He said that he would take the chance of not having an alibi*'.[1158] However, the full detail of this conversation was not included within DCS Cook's report. During this discussion, Glenn Vian was actually recorded as saying to his wife, '[n]*ow do you understand by not having a witness they have to run their chances with me and I'll fucking take the chance of not having an alibi*', and '*I certainly wouldn't let you get in the box. Cos you're about as steady as a rock without no cement round it…*'.[1159]

421. DCS David Cook also provided extensive detail of searches that were made on 17 December 2002 of various premises controlled by former DS Sidney Fillery.[1160] However, nothing of value to the Abelard One/Morgan Two Investigation was recorded as a result of these searches.

422. DCS David Cook did not identify within his report any new evidence from the third period of surveillance.

1154 Advice file R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp109-110, 07 March 2003.
1155 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp111-112, 07 March 2003.
1156 D1367, '*ENHANCED TRANSCRIPT VIAN HOUSE 16/12/2002*', MPS000882001, p2, 14 July 2002.
1157 D1367, '*ENHANCED TRANSCRIPT VIAN HOUSE 16/12/2002*', MPS000882001, p13, 14 July 2002.
1158 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p112, 07 March 2003.
1159 D1367, '*ENHANCED TRANSCRIPT VIAN HOUSE 16/12/2002*', MPS000882001, p11, 14 July 2009.
1160 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp112-115, 07 March 2003.

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14.5 Witnesses and relevant evidence

423. Within this section of his report, DCS David Cook considered the credibility of three witnesses, Kevin Lennon, Person P9 and Person F11, and the evidence they provided.[1161]

14.5.1 Kevin Lennon

424. DCS David Cook summarised the evidence provided by Kevin Lennon to the Morgan One Investigation and noted that the accounts which he had provided to the Morgan One Investigation, to the Inquest and to the Hampshire/Police Complaints Authority Investigation were consistent.[1162] DCS Cook commented that, during the evidence Kevin Lennon gave at the Inquest, he had been '*quite complimentary about REES*'.[1163]

425. DCS David Cook noted that Counsel for the Crown Prosecution Service had believed that Kevin '*LENNON's evidence would be discredited because, none of the office staff at Southern Investigations talked of REES' hatred of MORGAN, there was no evidence of Catford police involvement, and the fact that LENNON has a serious conviction for dishonesty*'. DCS Cook pointed out that '*a number of other individuals do talk of REES being openly hostile towards MORGAN*'.[1164]

426. DCS David Cook also drew attention to the fact that Kevin Lennon had claimed in his statement that he had been told by Jonathan Rees that former DS Sidney Fillery would take Daniel Morgan's place at Southern Investigations.[1165] DCS Cook commented that the fact that these events had indeed later transpired '*does add some corroboration to the account provided by LENNON*'.[1166] In considering the evidential value of Kevin Lennon's account, DCS Cook also referred to a conversation in 1999 in the offices of Law & Commercial (formerly Southern Investigations), when Jonathan Rees was recorded as saying, '*the coup that the MET* [Metropolitan Police] *had was to get kev LENNON on their side*'.[1167]

427. DCS David Cook concluded that Kevin Lennon would be an important witness in any prosecution case.[1168] However, he reported that Kevin Lennon had recently been '*approached by a third party and informed that it would be dangerous for him to say any more to the police*'.[1169] DCS Cook also said that '[a]*lthough The Crown held the view in 1989 that LENNON's evidence would be affected by a serious conviction for dishonesty, there are no current proceedings against him* [Kevin Lennon] *and he is willing to give evidence*'.[1170]

14.5.2 Person P9

428. DCS David Cook detailed in his report the information which Person P9 had provided to the Abelard One/Morgan Two Investigation team after his arrest on 03 October 2002 (see paragraph 207 above).[1171] He said that Person P9 had subsequently said that he was afraid and was not prepared to give this evidence in Court.[1172]

1161 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp119-124, 07 March 2003.
1162 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp119-122, 07 March 2003.
1163 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p120, 07 March 2003.
1164 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp120-121, 07 March 2003.
1165 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p120, 07 March 2003.
1166 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p121, 07 March 2003.
1167 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p122, 07 March 2003.
1168 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p122, 07 March 2003.
1169 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p122, 07 March 2003.
1170 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p122, 07 March 2003.
1171 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp122-124, 07 March 2003.
1172 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p123, 07 March 2003.

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429. DCS David Cook went on to recount within his report that, at a meeting on 23 January 2003, Colin Gibbs of the Crown Prosecution Service had expressed reservations regarding the suggestion by the investigation team that Person P9 should be compelled to attend Court and that his evidence could be introduced into the evidential chain. DCS Cook explained that it had been agreed with the Crown Prosecution Service '*that the police would seek to covertly record* [Person P9] *confirming the account he had earlier provided to police*',[1173] and so [Person P9] had been duly visited on 18 February 2003.[1174] DCS Cook said that Person P9 '*had been helpful to the investigation and had told the officer everything he knew. He said that when COOK met him after the murder he looked terrible. He was asked about the comments COOK had made to him and* [Person P9] *said he didn't want to talk as the whole thing made him feel sick.*'[1175] DCS Cook reported that Person P9 had confirmed the claims he had previously made to the police.[1176]

430. DCS David Cook advised that the investigation team believed that '*if* [Person P9] *were compelled to give* [sic] *attend court, he would give evidence of the claims made by COOK on the night of the murder*'.[1177]

431. In 1999, Person F11 and Person P9 had been investigated for conspiracy to murder James Cook and Person F11 had been convicted (see paragraph 442iv). DCS David Cook commented that '[a]*lthough* [Person P9] *was never prosecuted with* [Person F11] *for Soliciting COOK's murder in 1999, it is believed that he* [Person P9] *supplied the photograph of* [James] *COOK that was passed to the undercover officer. This could be used by others to discredit his motives for giving evidence against COOK.*'[1178]

432. DCS David Cook concluded that '[Person P9] *is seen as a potential key witness in the case against* [James] *COOK. His impact would depend on whether the CPS* [Crown Prosecution Service] *and Treasury Counsel see a role for him in the chain of evidence*.'[1179]

14.5.3 Person F11

433. DCS David Cook provided a brief summary of the evidence which Person F11 had provided during his debriefing process after his arrest in 1999, and explained that Person F11 had subsequently said that this evidence was provided under duress, and that if compelled to attend court he would deny the content of the statement.[1180]

434. DCS David Cook noted that Person F11 was told that '*although he will not be called to give evidence, the situation may one day arise where disclosure rules may dictate the service of his statement*'.[1181] DCS Cook acknowledged that the fact that Person F11 was being prosecuted for soliciting James Cook's murder at the time he gave his evidence '*would be used to discredit the content of his statement*'.[1182]

1173 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p123, 07 March 2003.
1174 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p123, 07 March 2003.
1175 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p123, 07 March 2003.
1176 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p123, 07 March 2003.
1177 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p123, 07 March 2003.
1178 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp123-124, 07 March 2003.
1179 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p127, 07 March 2003.
1180 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p124, 07 March 2003.
1181 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p124, 07 March 2003.
1182 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p124, 07 March 2003.

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435. This material reveals that DCS David Cook accepted that both Person P9 and Person F11's evidence would probably be discredited, and that Kevin Lennon had previously been described by Counsel to the Crown Prosecution Service as lacking credibility.[1183]

14.6 The evidence against Jonathan Rees, James Cook and Glenn Vian

14.6.1 The evidence against Jonathan Rees

436. DCS David Cook summarised Jonathan Rees's possible motives for conspiring to murder Daniel Morgan,[1184] which he had explored in detail earlier in his report. He said the following:[1185]

i. The evidence provided by Kevin Lennon to the previous investigations '*is seen as a key part of any case against REES*'.[1186]

ii. Evidential statements[1187] and telephone data analysis '*indicate that an affair had commenced* [between Margaret Harrison and Jonathan Rees] *prior to* [Daniel] *MORGAN's murder*'.[1188]

iii. The financial situation at Southern Investigations and the fact that Daniel Morgan was setting up another company to reduce the benefit which Jonathan Rees would receive from the bailiff side of the business (see Chapter 1, The Morgan One Investigation) '*taken together with the ill-feeling surrounding the Belmont Car Auction civil action and REES' hatred of MORGAN, all contribute to a strong motive for REES*'.[1189]

> The evidence indicates that there had been ongoing dislike and distrust of Daniel Morgan by Jonathan Rees.

437. Jonathan Rees has informed the Panel, in November 2020, that his relationship with Daniel Morgan was '*healthy*', and although he '*did not like his conduct with women involved in matrimonial disputes*' and that they '*argued about things*', they were good business partners.

438. DCS David Cook also examined the inconsistencies in the account provided by Jonathan Rees saying that although they did not '*directly implicate him in the murder, they raise questions about his explanation of events*':[1190]

i. He noted that Jonathan Rees had '*denied having a conversation that morning with Peter NEWBY about MORGAN upsetting a number of people the previous evening and that he didn't want to take MORGAN to another meeting planned for that night*'.[1191]

1183 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp120-124, 07 March 2003.
1184 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp124-125, 07 March 2003.
1185 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp21-22, pp24-30, p32, 07 March 2003.
1186 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p125, 07 March 2003.
1187 Witness statement of DC Duncan Hanrahan, MPS010357001, p1, 02 May 1989. Witness statement of a bookkeeper, MPS060325001, pp1-3, 08 March 1989.
1188 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p124, 07 March 2003.
1189 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp124-125, 07 March 2003.
1190 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p125, 07 March 2003.
1191 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p125, 07 March 2003.

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ii. He said that Jonathan Rees '*claimed that he couldn't recall the content of the telephone conversation with FILLERY at 11.05hrs* [on the day of the murder]. *Yet FILLERY informed him that he had been taken off his current murder investigation therefore leaving him available to investigate any new murder in the Catford area*'.[1192]

iii. DCS Cook noted that Jonathan Rees had said that the meeting at the Golden Lion public house on 10 March 1987 was '*arranged in the morning between MORGAN, GOODRIDGE and REES.*' Paul Goodridge had told the Morgan One Investigation that he had been at the Southern Investigations office that morning. DCS Cook did not include this, although he noted that '*NEWBY and PEARCE claimed that GOODRIDGE was not at the offices that day*'.[1193]

> DCS David Cook should have stated in his report that Paul Goodridge had told the Morgan One Investigation that he had been at the office that morning.

iv. Jonathan Rees had told police that the purpose of the meeting with Paul Goodridge '*was to discuss a loan of £10,000 from a third party*'. Paul Goodridge had denied that any meeting had been arranged.

v. Both Sharon Rees, then Jonathan Rees's wife, and Paul Goodridge had contradicted Jonathan Rees's account of telephone calls which Jonathan Rees had made after he left the Golden Lion public house on the evening of 10 March 1987.

vi. Jonathan Rees had been heard during surveillance making significant comments to former DS Sidney Fillery and Glenn Vian about the murder.

vii. At significant times during the Abelard One/Morgan Two Investigation there had been contact between Jonathan Rees and Glenn Vian, and Glenn Vian had visited Jonathan Rees when he was imprisoned in HMP Ford.

viii. DCS Cook noted that Jonathan Rees had said that he only knew that Daniel Morgan had been meeting Margaret Harrison on the evening of 10 March 1987 when the police told him after Daniel Morgan's murder. In fact, Michael Goodridge had said that Jonathan Rees had told him before the murder occurred that Daniel Morgan was meeting Margaret Harrison.[1194]

439. Apart from the testimony given by Kevin Lennon, DCS David Cook did not describe any evidence to link Jonathan Rees to the murder of Daniel Morgan within the advice report which he provided to the Crown Prosecution Service.

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1192 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p125, 07 March 2003.
1193 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p125, 07 March 2003.
1194 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp125-126, 07 March 2003.

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14.6.2 The evidence against James Cook

440. DCS David Cook stated that James Cook had not previously featured as a suspect for the murder of Daniel Morgan.[1195] However, he noted the following:

i. On 02 July 1999 Jonathan Rees had '*made concerted efforts to contact* [James] *COOK upon the publication of the article in The Telegraph newspaper that referred to the use of a getaway vehicle in the murder*'.[1196]

ii. James Cook had met with Person D28 and Person D29 in order to arrange a false alibi after the arrest of Person P9. DCS Cook stated '[t]*his is seen as a significant event as* [James] *COOK was probably anticipating a visit from the investigation team*'.[1197]

iii. Person P9 '*is seen as a potential key witness in the case against* [James] *COOK. His impact would depend on whether the CPS* [Crown Prosecution Service] *and Treasury Counsel see a role for him in the chain of evidence*'.[1198]

iv. The evidence showed that James Cook had met Person D28 and Person D29 to arrange an alibi.[1199] The only other evidence against James Cook was provided by two witnesses. One of those witnesses, Person F11, had been convicted on 08 July 1999, and sentenced to a total of seven years' imprisonment for nine offences, including conspiracy to murder James Cook and supply of controlled drugs (see Chapter 4, Operation Nigeria/Two Bridges).[1200] Although Person F11 had signed his witness statement providing evidence against James Cook, he later stated it was made under duress.[1201] The other witness, Person P9, had also been implicated in the conspiracy to murder.[1202]

14.6.3 The evidence against Glenn Vian

441. DCS David Cook said the following:

i. Glenn Vian had attended the hearing in the Belmont Car Auctions civil action on 05 March 1987 with Jonathan Rees, and they had subsequently told their legal executive that they were going to the Golden Lion public house for a drink.[1203]

ii. During Operation Nigeria/Two Bridges, Glenn Vian had been '*party to a significant conversation with REES on 13th August 1999 when they discussed the disposal of the getaway vehicle*' and that '[d]*uring the recent covert investigation* [Glenn] *VIAN makes a number of significant comments about the Daniel MORGAN murder investigation*'.[1204]

1195 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p126, 07 March 2003.
1196 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p127, 07 March 2003.
1197 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p127, 07 March 2003.
1198 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p127, 07 March 2003.
1199 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p127, 07 March 2003.
1200 Police National Computer record for Person F11, MPS005091001, 30 June 2008.
1201 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p68, 07 March 2003.
1202 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p123, 07 March 2003.
1203 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p127, 7 March 2003. See also witness statement, IPC000828001, 05 May 1987.
1204 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, pp127-128, 07 March 2003.

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iii. '[O]*n 17th July* [Glenn] *VIAN and his wife visit REES at HMP FORD. This is seen as significant as there appears to be no other visits within at least the previous twelve months*.'[1205]

iv. There was probe material from 19 October 2002 in which '*Glen* [sic] *and Gary* [sic] *VIAN discuss the use of a firearm on a person unknown and there appears to be the sound of the breach movement and dry firing of a firearm*'.[1206]

442. No evidence of Glenn Vian's involvement in Daniel Morgan's murder is contained in the relevant section of DCS David Cook's report. Although Person F11 had named Glenn Vian as the murderer in January 1999, Person F11 had subsequently said that '*he would deny the content of the statement claiming that he made it under duress*'.[1207] DCS Cook referred to this element of Person F11's evidence in his analysis of Person F11, but quite correctly did not attempt to use it against Glenn Vian.

14.7 The evidence against former DS Sidney Fillery

443. DCS David Cook recorded the following:

i. '*The MORGAN family believes that FILLERY was involved in the planning and cover up of the murder and it has also been suggested that Freemasonry may have played a part*.'[1208]

ii. DS Sidney Fillery had been involved in the Belmont Car Auctions matter and had '*had some form of argument with MORGAN in the Golden Lion pub on Monday 9th March*'.[1209]

iii. On 10 March 1987, Jonathan Rees had contacted DS Sidney Fillery and '*they discussed that FILLERY and his team had been taken off their current murder investigation*'.[1210]

iv. DS Fillery '*took a bland background statement from REES and attended the offices of Southern Investigations where it is alleged that FILLERY took possession of the Belmont Car Auction file*'.[1211]

v. Alastair Morgan had given evidence that, on 12 March 1987, he had attended the police station and had spoken with DS Fillery and told him that he believed that the death of his brother may have had something to do with the Belmont Car Auction affair, and that DS Fillery had dismissed this assertion.[1212]

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1205 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p128, 07 March 2003.
1206 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p128, 07 March 2003.
1207 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p125, 07 March 2003.
1208 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p128, 07 March 2003.
1209 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p128, 07 March 2003.
1210 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p128, 07 March 2003.
1211 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p129, 07 March 2003.
1212 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p129, 07 March 2003.

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vi. DCS Cook also commented that DS Fillery had been medically retired from the police in March 1988 and had joined Southern Investigations in February 1989.[1213]

vii. On 04 October 2002, '*Glen* [sic] *VIAN talked about FILLERY and "walkie-talkies" whilst discussing the arrest of a 46 year old man for the murder'.*[1214] DCS Cook said '[i]*t is not known to what he was referring*'.[1215] DCS Cook had stated earlier in his report that '[i]*n light of this it is not possible to preclude FILLERY from the planning phase of the murder*'.[1216]

14.8 DCS David Cook's conclusions on the evidence gathered during all the investigations

444. DCS David Cook's advice file concluded with the following general statements regarding the key suspects:

i. '*In respect of Sidney FILLERY, there is no direct evidence to suggest that he was involved in the murder, however, he cannot be excluded from the planning phase or frustrating the initial investigation.*

ii. '*The spectre of Freemasonry is well immersed in the circumstances surrounding the murder and attempts to frustrate the investigation however, there is no real, if any evidence to substantiate this.*

iii. '*In summary, the investigation team are of the firm belief that there is sufficient evidence to charge William Jonathan REES, Glen* [sic] *VIAN and James COOK with a Conspiracy to Murder Daniel MORGAN.*'[1217]

445. DCS David Cook also sought advice about whether James Cook, Person D28 and Person D29 should be charged with '*Conspiracy to Pervert the Course of Justice in respect of the false alibi for the night of the murder*', and whether former DS Sidney Fillery should be charged with '*Misconduct in a Public Office, namely failing to deal appropriately with the Belmont Car Auction file*'.[1218]

446. Finally, DCS David Cook sought advice on whether charges should be laid against former DS Sidney Fillery and Jonathan Rees for ancillary offences which had been identified but which were unconnected with the murder of Daniel Morgan.

447. None of the information that was collected after DCS David Cook's advice file was sent to the Crown Prosecution Service on 07 March 2003 would have materially affected his recommendations to the Crown Prosecution Service.

1213 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p129, 07 March 2003.
1214 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p129, 07 March 2003.
1215 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p129, 07 March 2003.
1216 Advice File R v Jonathan REES, Glenn Vian and James Cook, MPS060058001, p93, 07 March 2003.
1217 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p130, 07 March 2003.
1218 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p130, 07 March 2003.

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448. The issue of police corruption was not part of the 2000 Murder Review Report's Terms of Reference. The remit of the Abelard One/Morgan Two Investigation was limited to dealing with the recommendations contained in the 2000 Murder Review Report unless permission was sought to pursue further lines of enquiry. DCS David Cook did not further investigate matters relating to alleged police corruption as part of the motive for the murder of Daniel Morgan, other than in his examination of the activities of former DS Sidney Fillery. Focusing on the recommendations of the 2000 Murder Review Report, he investigated those whom he considered to be key suspects for the murder.

449. DCS David Cook should have given consideration to the possible role of police corruption other than the alleged link to the death of DC Alan Holmes as a motive for Daniel Morgan's murder, and should have sought the advice of the investigation's Gold Group about pursuing this line of enquiry.

15 Charging decision of the Crown Prosecution Service

15.1 Code for Crown Prosecutors

450. DCS David Cook's advice file was submitted to the Crown Prosecution Service on 07 March 2003. Prosecutors and investigators work closely together, but the final decision as to whether a suspect should be prosecuted rests with the Crown Prosecution Service.

451. Prosecutors must comply with the 'Code for Crown Prosecutors'.[1219] When deciding whether to prosecute, the Code requires that the Prosecutor consider two questions. Firstly, is there enough evidence to provide a realistic prospect of conviction against the defendant? Secondly, if so, is it in the public interest for the Crown Prosecution Service to bring the case to court? If both conditions are met, then a prosecution can take place.

15.2 Counsel's *'preliminary view'*

452. On receipt of the file from DCS David Cook, the Crown Prosecution Service requested that the criminal barristers advising them, Orlando Pownall QC and Jonathan Rees, Barrister, hold a meeting with the Morgan Two Investigation team, which took place on Monday 28 April 2003 and lasted over two hours. The note of the meeting recorded that:

> *'Orlando* [Pownall] *was of the few* [sic] *that we had some of the essential ingredients for a prosecution for murder, namely motive and opportunity. However he was of the few* [sic] *that although it came tantalisingly close, we did not have enough to charge the various defendants.*
>
> *'The police did not agree with his assessment, certainly in regards to Jimmy COOK and made persuasive and forceful arguments in favour of charging him.*

1219 The Code for Crown Prosecutors is issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985. In more serious or complex cases, prosecutors decide whether a person should be charged with a criminal offence and, if so, what that offence should be.

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'There followed lengthy discussion regarding the merits of the case so far. Orlando [Pownall] *and Jonathan* [Rees, Barrister] *said that they would like to go away from this meeting and have the opportunity to digest and consider some of the comments made by the police. They also asked that a number of queries be cleared up:*

'[Kevin] *LENNON to be visited again regarding the men he is reluctant to name regarding an alleged plan to kill MORGAN.*

'Papers to be gone through regarding comments MORGAN is supposed to have made to the bar maid in the Golden Lion on the evening of 9th March 1987.

'Orlando [Pownall] *and Jonathan* [Rees, Barrister] *said they would come back to the police in 4 to 4* [sic] *weeks with a written advice. They did not state conclusively that it would be advising against prosecution, but I think it I* [sic] *likely that this will indeed be the case.*

'Orlando [Pownall] *said that he and Jonathan* [Rees, Barrister] *would be happy if required to meet the family of MORGAN to explain the reasons for their decision if it should be that there will be no prosecution.*

'Orlando [Pownall] *said that if there was not going to be a prosecution regarding the murder there would be little point in prosecuting James COOK for perverting the course of justice for the fabrication of an alibi with* [Person D28 and Person D29]*. Orlando* [Pownall] *said that we would have to disclose the* [Person P9] *intelligence and in any event it was unlikely that a jury would convict under the circumstances.'*[1220]

453. It was agreed that Counsel would set out their final advice in writing.

454. Following a meeting between the police and members of the family of Daniel Morgan on 01 May 2003 (see Chapter 12, The Treatment of the Family), the Crown Prosecution Service was asked for a date by which a decision would be made, and when Counsel would provide their final advice. The Crown Prosecution Service replied that the advice and a decision would be available in the week commencing 26 May 2003.

455. On 07 May 2003, a meeting of the Gold Group for the Abelard One/Morgan Two Investigation was held, at which DCS David Cook outlined the meeting held with the Crown Prosecution Service and Prosecution Counsel on 28 April 2003.[1221] He advised those present that Counsel had stated that although there was a good *prima facie* case against Jonathan Rees, they were not able to '*evidence*' roles played by the suspects, and for this reason they did not believe there was a realistic prospect of conviction. The minutes of the meeting on 07 May 2003 recorded that '[s]*trong representations were made and Counsel agreed to reconsider its view and report back to the CPS* [Crown Prosecution Service] *within 5 weeks*'.[1222]

456. Following his submission of the advice file to the Crown Prosecution Service in March 2003, DCS David Cook was seconded to HM Customs and Excise. T/D/Supt David Zinzan had also left the investigation following the closure of the covert investigation.[1223]

1220 Minute of Operation Abelard conference held on 28 April 2003, CLA000245001, p1, 29 April 2003.
1221 Minutes of Gold Group meeting, MPS061654001, p2, 07 May 2003.
1222 Minutes of Gold Group meeting, MPS061654001, p2, 07 May 2003.
1223 Panel interview with former T/D/Supt David Zinzan, pp6-7, 23 May 2018.

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457. No final Crown Prosecution Service decision had been received by the end of the week commencing 26 May 2003. Repeated enquiries were made by the Abelard One/Morgan Two Investigation of the Crown Prosecution Service to find out when the advice would be available and when the decision would be made, but no decision was provided.

15.3 Counsel's response

458. On 08 August 2003 (five months after DCS David Cook's file was submitted), written advice was received from Orlando Pownall QC and Jonathan Rees, Barrister,[1224,1225] confirming their earlier oral recommendation that there was insufficient evidence to prosecute Jonathan Rees, Glenn Vian, James Cook or any other person, for murder or ancillary offences.[1226]

459. The advice paper began by examining the evidence concerning the immediate circumstances of the attack upon Daniel Morgan, before examining the evidence implicating the three murder suspects.[1227] Regarding the physical attack, Counsel commenced by indicating that the '*pathological evidence paints a clear picture of a surprise attack from behind by one individual using an axe*', and that there was '*no evidence that more than one assailant was involved*'.[1228]

460. The advice noted that, as part of his investigation, DCS Alan Wheeler had conducted experiments in the car park of the Golden Lion public house in order to establish whether it was possible for an attacker to approach someone standing where Daniel Morgan's body was found without being noticed. DCS Wheeler had concluded that this was '*very unlikely*'. It was suggested that Daniel Morgan, therefore, may have known his assailant (see Chapter 3, The Hampshire/Police Complaints Authority Investigation). Counsel noted that this conclusion would depend on a '*range of variables*', including, for example, how anxious Daniel Morgan ('*who had been drinking*') would have been to identify anyone he noticed approaching him. Counsel stated that, in their opinion, the work carried out by DCS Wheeler was insufficient to exclude the possibility that Daniel Morgan did not know his attacker.[1229]

461. In considering motives for the attack, Counsel stated that there was no evidence to suggest that Daniel Morgan was killed as a result of any particular event, such as an argument or confrontation, which occurred sometime before or on the day of his death.[1230] There were a number of factors, additionally, which suggested that '*the motive for the attack was unlikely to be robbery*': notably, the nature and violence of the attack shown by the pathological evidence, that an axe was an unlikely instrument to be wielded by a robber, that over £1,000 in cash remained on the person of Daniel Morgan, the evidence that Daniel Morgan was still wearing his Rolex after the attack, and that a Parker pen and a note written with the pen were the only other items that appeared to have gone missing.[1231,1232]

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1224 Message M193, MPS060053001, pp1-2, 08 August 2003.
1225 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp1-57, undated.
1226 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp34, 42, 50 and 54-56, undated.
1227 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp1-57, undated.
1228 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p7, undated.
1229 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p8, undated.
1230 Counsel Advice by Orlando Pownall QC and Jonathan Rees (barrister), MPS062209001, pp6-7, undated.
1231 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp8-9, undated.
1232 A Parker pen was subsequently found in 2016 when a bag of items, including the pen, was delivered to DS Gary Dalby (see Chapter 1, Morgan One Investigation).

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462. Concluding the consideration of the circumstances of the attack, the advice stated that:

> *'*[t]*aken as a whole, the bare facts surrounding the killing of Daniel Morgan indicate that he was attacked from behind by a single assailant wielding an axe. It is probable, though not certain, that this was a planned attack by or on behalf of someone who knew that Morgan was at the Golden Lion that evening and wanted to kill him.'*[1233]

463. Counsel then considered the evidence against each of the suspects.[1234]

15.3.1 Jonathan Rees

464. Although Counsel stated that motive was not conclusive of guilt and that to prove guilt there needed to be evidence from other sources, Counsel noted that there was a significant body of evidence which suggested that Jonathan Rees may have had one or more reasons for wanting to kill Daniel Morgan. The more plausible of these included his hatred of Daniel Morgan, his anxiety that Daniel Morgan was going to enter into a business partnership with others, and a desire to get rid of Daniel Morgan to allow former DS Sidney Fillery to become Jonathan Rees's business partner.[1235]

465. Other possible motives for Jonathan Rees wanting to kill Daniel Morgan considered by Counsel were: Jonathan Rees's jealousy of Daniel Morgan's continued association with Margaret Harrison,[1236] and a wish to protect police friends from losing their jobs as a result of senior officers finding out about their alleged 'moonlighting'[1237] for work provided through Southern Investigations.[1238]

466. However, as the advice file noted, these two final theories were undermined by the known evidence: firstly, the absence of admissible evidence that Daniel Morgan and Margaret Harrison were still having a sexual relationship at the time of Daniel Morgan's death; and secondly, that it was not apparent how killing Daniel Morgan would have solved the problem of the threat that officers might lose their jobs, since it was far more likely that Daniel Morgan's murder would lead to additional scrutiny of officers 'moonlighting' for Southern Investigations.[1239]

467. Counsel also stated that less plausible motives had been suggested, such as the fact that Daniel Morgan seemed to have been drawing more than his entitlement from the Southern Investigation bank account. However, it was noted that there was no credible evidence that Jonathan Rees was aware of this, and, even if he was, murdering his partner would not have resolved the situation.[1240]

468. While the evidence tended to show that Jonathan Rees had a motive for killing Daniel Morgan, it was noted by Counsel that he was far from the only person to do so.[1241] The advice file stated:

> '[t]*he evidence showing that other people may have had a motive for harming Morgan has the effect of lessening the significance of the evidence of motive in respect of Rees.*

1233 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p10, undated.
1234 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp10-50, undated.
1235 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp10-11, undated.
1236 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p11, undated.
1237 Accepting private employment outside of their traditional employment within the police.
1238 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p12, undated.
1239 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp11-12, undated.
1240 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp12-13, undated.
1241 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp13-14, undated.

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Obviously, there is a clear difference between a case where the evidence establishes that only one person has a clear motive for killing someone, and a case where a number of people do. It is, in our view, not insignificant that if Rees did plot Morgan's demise, he did so in a manner that ensured he was with Morgan a short time before he died, thereby attracting suspicion."[1242]

469. Counsel considered whether the meeting at the Golden Lion public house was a '*bogus meeting*' and whether Jonathan Rees had asked Daniel Morgan to meet him at the Golden Lion public house under false pretences. Counsel noted that Paul Goodridge said in his witness statement of 12 March 1987 that he had told Jonathan Rees that he might be able to help him raise money through friends and that he had been in the offices of Southern Investigations on the morning of 10 March 1987 with Jonathan Rees and Daniel Morgan. While Paul Goodridge could not remember the meeting at the Golden Lion public house being arranged, he also could not '*exclude the possibility that such a conversation may have taken place*'.[1243,1244,1245] Paul Goodridge also recalled that Daniel Morgan's final remark to him was that he would see him later and that the first thing Jonathan Rees said to him at the Beulah Spa public house was: '*Where the fuck were you?*' This, Counsel said, would suggest that Jonathan Rees expected Paul Goodridge to be at the Golden Lion public house on 10 March 1987.[1246,1247] Counsel concluded that it would be very difficult for the Prosecution to establish that the meeting was '*bogus*' and that Jonathan Rees was setting Daniel Morgan up to have him killed.[1248]

470. One alternative not discussed In their advice, that Jonathan Rees may well have concluded that the only way for him to ensure that Daniel Morgan was at the appropriate place at the right time for the murder to take place, was to be there himself. Attracting suspicion to himself would be the unavoidable consequence but may have been seen as a risk worth taking.

471. It was noted that the evidence of Kevin Lennon implicated Jonathan Rees, in that, prior to the murder, Jonathan Rees was alleged to have told Kevin Lennon (on multiple occasions)[1249] that he wanted Daniel Morgan dead and was prepared to act on it.[1250] Counsel stated, '*in our view, there are a number of good reasons for suspecting that a jury would attach little or no weight to his testimony, despite the fact that it would seem he has little to gain from helping police at this stage*'.[1251] These reasons were summarised as follows:

i. At the time of making his second statement Kevin Lennon '*would have been anxious to assist the police in order to mitigate the length of the prison sentence he faced for*

1242 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p14, undated.
1243 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp18-19, undated.
1244 Witness statement of Paul Goodridge, MPS021806001, pp3-4, 12 March 1987.
1245 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p19, undated.
1246 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p20, undated.
1247 Witness statement of Paul Goodridge, MPS021806001, p5, 12 March 1987.
1248 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp20-21, undated.
1249 Witness statement of Kevin Lennon, MPS010528001, pp11-22, 15 September 1987.
1250 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p15, undated.
1251 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p15, undated.

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offences of dishonesty'.[1252] However, his account was corroborated in some respects since former DS Sidney Fillery was medically discharged and went to work with Jonathan Rees.[1253]

ii. It was '*incongruous*' that Jonathan Rees would confide in the company accountant his plans to murder his business partner.[1254]

iii. There was no evidence to support the contention that officers at Catford had been instructed by Jonathan Rees to kill Daniel Morgan.[1255]

iv. There was no evidence to support the claim that Jonathan Rees had arranged for Daniel Morgan to be breathalysed by Norbury police.[1256]

v. Kevin Lennon had claimed that Jonathan Rees told two other people of his desire to have Daniel Morgan killed: Michael Goodridge and Sharon Rees. Michael Goodridge denied that any such conversation took place, and Sharon Rees had never confirmed that such a conversation took place.[1257]

vi. Kevin Lennon claimed that, prior to the murder, he had told former DCI Laurence Bucknole that Jonathan Rees was arranging to kill Daniel Morgan. Counsel considered this claim to be '*wholly unconvincing*'.[1258]

vii. In a later account, Kevin Lennon had stated that, on behalf of Jonathan Rees, he had approached two men to arrange the killing of Daniel Morgan. Kevin Lennon claimed that this was to cheat Jonathan Rees out of money, instead of being a proper attempt to recruit hitmen. He further stated that DS Fillery was named by Jonathan Rees as the officer from Catford who was arranging to kill Daniel Morgan.[1259] Kevin Lennon had not mentioned either of these pieces of information before and claimed that he had told the first investigation about DS Fillery. Counsel concurred with the Hampshire officers' view that these additions, '*undermined rather than assisted Lennon's credibility* […] *particularly as Lennon still refuses to name the two men he allegedly approached to conduct this scam*'.[1260]

viii. Kevin Lennon was a '*convicted fraudster and cheat*'.[1261]

ix. Although Kevin Lennon may have no longer had a motive for lying because, at the time of Counsels' report, he was not facing any criminal charges, '*one cannot ignore the fact that his evidence has been available since 1987 and yet it has not been thought sufficient to justify a prosecution*'.[1262]

472. Counsel considered the 1989 opinion of Jeremy Gompertz QC and others, on the same evidence, which had been given to the Hampshire/Police Complaints Authority Investigation in which it had been decided that there was insufficient evidence to prosecute Jonathan Rees and

1252 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p15, undated.
1253 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p15, undated.
1254 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p15, undated.
1255 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p15, undated.
1256 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p15, undated.
1257 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p16, undated.
1258 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p16, undated.
1259 Report R4C of DCS Alan Wheeler, MPS022884001, 01 September 1988.
1260 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp16-17, undated.
1261 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p17, undated.
1262 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p17, undated.

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concluded that they (Orlando Pownall QC and Jonathan Rees, Barrister) would have reached the same decision in early 1989.[1263] They went on to say that '[t]*he passage of over 14 years since that advice was given serves significantly to dilute the impact of the evidence that was then available*'.[1264]

473. Regarding the probe evidence, the advice stated that '[w]*hen deciding upon the weight that can be attached to probe evidence in general, it is important to bear in mind the following factors*':[1265]

i. '*The evidential significance of the relatively small number of relevant excerpts needs to be assessed against the background of many of* [sic] *hours of recording*.'

ii. '*In many instances, the quality of the recorded material is poor and it is difficult to place any great reliance on passages where the context is unclear or where phrases are only decipherable in part*.'

iii. '*It is unsurprising that a press article or television piece about the killing would cause consternation amongst those who had been arrested or charged with the murder in the past and their associates*.'

iv. '*It is unlikely that, after all this time, those involved in the killing are the only ones to have knowledge about it. In the intervening period there would have inevitably been much speculation and rumour about who was responsible, some of which might be well founded and some less so. If it is accepted that* [Person F11] *might be telling the truth about* [James] *Cook's confession, it provides an illustration of how innocent people might acquire knowledge through admissions made to them or hearsay. Therefore, care is required to distinguish things said, which might indicate knowledge of the crime, from things said which amount to an unambiguous admission of participation.*'

v. '*It must also be borne in mind that a suspect might be concerned about being implicated in the offence by, for example, a connection with a getaway car, even though he played no part in the killing itself*.'

vi. '*In the sort of society in which REES and the other suspects mix, it would not be unnatural for them to be anxious that someone may provide false information in the hope of picking up a reward or in pursuance of a grudge*.'

vii. '*A suspect who has previously been arrested might be expected to comment on the evidence against himself, irrespective of whether he was guilty or not*.'[1266]

474. Counsel considered each excerpt from the transcripts which might be relevant,[1267] and concluded that:

> '*the transcripts of the probe evidence contain little in the way of further significant evidence against Rees, despite the fact that he was clearly not aware of the probe. There is nothing approaching an admission that he played a part in arranging or*

1263 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp24-25, undated.
1264 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p25, undated.
1265 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p26, undated.
1266 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp26-27, undated.
1267 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp27-34, undated.

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> *carrying out the killing. At best they show that Rees had knowledge of a connection between his close associate James Cook and a getaway car, although not the sort of detailed knowledge one might expect from someone who had supposedly commissioned the killing and was with the deceased minutes before he died.'*[1268]

475. Moreover, Counsel noted that this evidence had been available since 1999, and that the product of the more recent surveillance had not increased the body of evidence against Jonathan Rees.[1269]

476. Counsel concluded their consideration of the evidence against Jonathan Rees by stating that:

> *'*[f]*or the reasons described above, it is our view that there is insufficient evidence to provide a realistic prospect of conviction in the case of Rees. As indicated above, the strength of the case against Rees may, in part, depend upon the strength of the case against* [James] *Cook and Glen* [sic] *Vian and vice versa. As set out below, it is our view that there is insufficient evidence to prosecute either* [James] *Cook or Glen* [sic] *Vian.'*[1270]

15.3.2 Glenn Vian

477. Counsel noted that the main evidence against Glenn Vian was contained within the probe recordings, and that the same considerations regarding evidence gained through probe recordings being used against Jonathan Rees applied to Glenn Vian also.[1271,1272] Counsel concluded that the evidence gathered '*falls short of establishing to the required minimum threshold that he participated in the killing of Daniel Morgan*'.[1273]

15.3.3 James Cook

478. Counsel considered the evidence of Person F11, and in particular the allegation he had made on 22 January 1999 that in 1989/90 James Cook had confessed to him that Jonathan Rees had paid for the murder, Glenn Vian had murdered Daniel Morgan with the axe, and that he, James Cook, was the getaway driver. Person F11 had also said that James Cook had passed the getaway car to Person P9 who, for a short time, had looked after it.[1274]

479. Counsel noted that later, Person F11 claimed he had been placed under duress by police to make these statements, and furthermore that he was subsequently convicted of soliciting the murder of James Cook and was sentenced to seven years' imprisonment. Counsel stated that, for obvious reasons, the Prosecution would not seek to rely on the evidence of Person F11 against James Cook.[1275] Counsel also noted that it was believed that Person P9 had been involved in Person F11's soliciting of James Cook's murder[1276] and concluded that '[a] *jury would not have the evidence of* [Person P9] *and* [Person F11] *before them*'.[1277] This was because Person P9 said this information was off the record and did not formalise the evidence by signing

1268 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p33, undated.
1269 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p34, undated.
1270 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p34, undated.
1271 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p35, undated.
1272 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp26-27, undated.
1273 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p42, undated.
1274 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp42-43, undated.
1275 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p43, undated.
1276 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p49, undated.
1277 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p50, undated.

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the police officers' notes or giving a witness statement, and Person F11 did sign his witness statement concerning the murder, but later said it was made under duress and that he wanted it '*retracted* legally'.[1278] Neither was prepared to give evidence in Court.

480. With regard to the probe recordings, Counsel noted that while there was material indicating that James Cook was concerned about the re-opening of the investigation, it did not reveal why, and that in the context of the police officer's call,[1279] James Cook's response seemed to indicate that he was denying involvement while unaware that he was being taped.[1280] In relation to another excerpt, Counsel observed that James Cook referred to being fitted-up, or something being planted on him, which Counsel said was believed by the police to indicate that '[James] *Cook was concerned that* [Person P9] *might try to implicate him because an earlier conspiracy between* [Person F11] *and* [Person P9] *to murder him had failed*'.[1281]

481. Referring to the attempts by James Cook to manufacture an alibi for the night of 10 March 1987, Counsel stated '*that there is no available evidence which proves what part he played in the events of the evening of 10th March 1987. It might be the case, for example, that* [James] *Cook wanted to conceal the fact that he had assisted in disposing of the getaway car, notwithstanding that he may have had no knowledge of the plan to kill Morgan*.'[1282]

482. Counsel summarised the position as follows:

> *'In our view, while the probe evidence suggests that* [James] *Cook might have been connected in some way with the events surrounding the killing of Daniel Morgan, it does not establish his complicity in the killing itself.'*[1283]

483. Counsel then turned their attention to the other charges below.[1284]

15.3.4 Perverting the course of justice (James Cook, Person D28 and Person D29)

484. Counsel noted that while there was *prima facie* evidence of offences being committed, there were a number of aspects which needed to be considered when deciding whether charges should be brought:[1285]

i. In relation to the false alibi provided by Person D28 and Person D29, Counsel noted that '*there may well be an argument to exclude this aspect of the evidence under section 78 PACE* [Police and Criminal Evidence Act 1984] *on the basis that there was an element of entrapment involved when asking* [Person D28 and Person D29] *to provide information about* [James] *Cook*'.[1286] This was because when the police approached Person D28 and Person D29 for evidence about James Cook, the police knew of their apparent involvement in preparing a false alibi but they were not warned that they were suspects and the police did not caution them before interview.[1287]

1278 Letter from the Metropolitan Police to the Governor at HM. Prison Hollesley Bay re permission to interview Person F11 enclosing minutes of meeting at HMP Codingley with Person F11, MPS049613001, p6, 20 September 2001.
1279 Audio summary of recorded telephone conversation between the police officer and James COOK (1821–1958), MPS058784001, pp1-6, 01 July 2002.
1280 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp44-45, undated.
1281 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p46, undated.
1282 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp45-46, undated.
1283 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p47, undated.
1284 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp51-56, undated.
1285 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p52, undated.
1286 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p52, undated.
1287 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p51, undated.

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ii. '*Experience shows that a jury is less likely to convict in cases where the prosecution are not in a position to prove that the false alibi was manufactured in order to conceal an offender's participation in a specific offence*.'[1288]

iii. '*Jean Wisden was charged with perverting the course of justice, but this charge was discontinued when the charges of murder against Rees and Goodridge were discontinued. It could be argued that, for the sake of consistency, a similar approach should be adopted*.'[1289]

iv. '[Person D28 and Person D29] *are both elderly.* [Person D29] *suffers from poor health and, no doubt, relies upon* [Person D28].'[1290]

v. '*It may well be that a jury would be reluctant to convict individuals who have contrived an alibi in circumstances where the whole police operation was based upon a contrivance*.' (On 26 June 2002,[1291] DCS David Cook, as part of the *Crimewatch* broadcast, had pretended to be in receipt of information which '*put a smile on his face*'.[1292] On 01 July 2002,[1293] a police officer had telephoned James Cook and pretended to be someone who had information which she was prepared to give to police.)[1294]

vi. '*It may be that there are sound operational reasons for not jeopardising the ongoing investigation into the killing by pursuing charges which might result in disclosure of hitherto sensitive material*.'[1295]

485. In conclusion, Counsel stated that:

> '[t]*aking an overall view, we doubt whether there necessarily exists a realistic prospect of conviction of* [Person D28 and Person D29] *and* [James] *Cook on a charge of conspiracy to pervert the course of justice.*'[1296]

15.3.5 Firearms Offences (Glenn Vian, Garry Vian)

486. Counsel considered the likelihood of a successful prosecution in relation to firearms offences allegedly committed by Glenn and Garry Vian. Counsel stated that no weapon had been recovered and the only evidence of an offence being committed under the Firearms Act 1968 was contained in the probe recordings. Therefore, before any further consideration was given to the possibility of charging Glenn and Garry Vian, Counsel recommended that the probe recordings be listened to by a firearms expert and a report produced.[1297] Such a report was not produced until April 2008, during the Abelard Two Investigation.[1298]

1288 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p52, undated.
1289 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p53, undated.
1290 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p53, undated.
1291 Recording of BBC's *Crimewatch* screened on 26 June 2002, viewed by the Panel.
1292 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p53, undated.
1293 Audio summary of recorded telephone conversation between the police officer and James Cook (1821–1958), MPS058784001, pp1-6, 01 July 2002.
1294 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p53, undated.
1295 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p53, undated.
1296 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p54, undated.
1297 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p54, undated.
1298 Witness statement of a firearms expert, MPS003172001, 16 April 2008.

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487. In conclusion, Counsel stated, '[o]*n the basis of the transcripts before us, it seems that it will be difficult to establish that one or both of the brothers had an ulterior intent to use the firearms themselves*'.[1299]

15.3.6 Misconduct in public office (former DS Sidney Fillery)

488. Regarding the assertion of misconduct concerning the Belmont Car Auctions file, Counsel stated that, as a relatively minor offence occurring 16 years previously, it would not be in the interests of justice to charge former DS Sidney Fillery with this offence, especially when the main evidence upon which a prosecution would rely had been available for most of those 16 years, without a charge being brought previously.[1300] Counsel added that, '[i]*n any event, the evidence is far from compelling* [that the file was ever in the possession of DS Fillery]'.[1301]

15.3.7 Offences unrelated to Daniel Morgan's murder (former DS Sidney Fillery)

489. Counsel noted that former DS Sidney Fillery had recently been charged in respect of these unrelated offences.[1302] He was sentenced by Bow Street Magistrates' Court on 24 October 2003 to a Community Rehabilitation Order of 36 months.[1303,1304]

15.4 Counsel's consideration of the effect of their decision on Daniel Morgan's family

490. Counsel were conscious of the effect that the advice, if accepted by the prosecuting authorities, might have upon those closest to the case:

> *'If the CPS* [Crown Prosecution Service] *agree with our advice and the decision is taken not to prosecute, this will create enormous disappointment in the family of the deceased who will have hoped that the reinvestigation would produce significant results. We have no doubt that those involved have done all they reasonably could to secure admissible evidence in proof of the involvement of Rees,* [James] *Cook and Glen* [sic] *Vian. Unfortunately, their best endeavours have not produced sufficient evidence. In providing our advice we have strenuously resisted the temptation of concluding that, whatever the state of the evidence, it should be left to a jury to decide. We are bound by the requirement that for a prosecution to take place, there must, at the very least, be a realistic prospect of conviction. For the reasons given above we are unable to conclude that such a realistic prospect exists.'*[1305]

491. The advice paper concluded with a comment regarding the delay in production:

> *'We apologise for the delay in preparing this advice. We were not aware that there might be time constraints until we were recently informed of the application for judicial review of the decision not to provide a copy of the Hampshire Report to the family.'*[1306]

The application for judicial review is discussed in more detail in Chapter 12, The Treatment of the Family.

1299 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p55, undated.
1300 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p55, undated.
1301 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p56, undated.
1302 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p56, undated.
1303 Police National Computer record, MPS071822001, pp1-6, 08 May 2006.
1304 Letter from the National Probation Service to the solicitor for DS Sidney Fillery, MPS104122001, pp22-23, 18 June 2008.
1305 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p57, undated.
1306 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p56, undated.

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492. On 12 August 2003, at a Gold Group meeting, DCS David Cook advised those present of the recommendation from Orlando Pownall QC, and that the decision not to prosecute was expected to be officially confirmed by the Crown Prosecution Service early the following week.[1307]

493. DCS David Cook said that, while he accepted the decision, he did not agree with it nor the rationale provided.[1308]

494. It was agreed at the meeting that, when the family were informed of the Crown Prosecution Service's final decision, they would be offered the opportunity of a meeting with Counsel in order that they might have the decision-making explained.[1309]

495. On 02 September 2003, Colin Gibbs from the Crown Prosecution Service wrote to DCS David Cook, T/D/Supt David Zinzan and A/DCI Neil Hibberd stating that, following receipt of the advice file from Counsel, the Crown Prosecution Service had considered the matter and agreed with Counsel that there was insufficient evidence to provide a realistic prospect of a conviction.[1310]

496. The family of Daniel Morgan received an offer to meet with the Crown Prosecution Service in order to discuss the reasons for the decision. However, they declined the offer at that time since they wanted to obtain full access to the advice paper.[1311] The family subsequently met with the Crown Prosecution Service on two occasions.

497. Although the decision not to prosecute anyone for the murder of Daniel Morgan disappointed the family of Daniel Morgan, it was realistic in the circumstances. Counsel's duty was to analyse the additional evidence that had been obtained since the case was last considered and point out any weaknesses contained within it. There were overwhelming weaknesses. While the police had thought firm, incriminating evidence might arise from the use of the probes (both in 1999 and 2002), no such evidence was secured against the main suspects.

498. Counsel correctly highlighted the fact that no jury would have the benefit of the information provided to the police by Person P9 and Person F11, information which had enabled the police to place the evidence gathered through use of the probes in an apparently incriminating context. Furthermore, both potential witnesses had discredited themselves since Person F11 had been convicted of the conspiracy to murder James Cook and Person P9 had been implicated in the conspiracy to murder.

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1307 Minutes of Gold Group meeting, MPS071568001, p1, 12 August 2003.
1308 Minutes of Gold Group meeting, MPS071568001, p1, 12 August 2003.
1309 Minutes of Gold Group meeting, MPS071568001, p3, 12 August 2003.
1310 Letter from Colin Gibbs to DCS David Cook, T/D/Supt David Zinzan and DCI Neil Hibberd, MPS072321001, p2, 02 September 2003.
1311 Unattributed note of discussion with Colin Gibbs, HOM000316001, undated.

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16 Post-Abelard One/Morgan Two

16.1 The review of the Abelard One/Morgan Two Investigation by DI Steve Hagger

499. Following the Abelard One/Morgan Two Investigation, DI Steve Hagger stated that:

> *'*[o]*n behalf of the Murder Review Group I have examined this file and in particular the response to the 83 recommendations made after the review. It is apparent that the majority of the recommendations have been fully carried out leaving a handful that, after the passage of time; it now seems impossible to undertake.'*[1312]

500. In September 2003, in a letter to the Metropolitan Police Commissioner, Isobel Hülsmann expressed her disappointment and frustration with the decision of the Crown Prosecution Service not to prosecute.[1313]

501. A review of the investigation was chaired by DAC Michael Fuller.[1314] On 07 November 2003, DAC Fuller wrote to AC Tarique Ghaffur and reported that:

> *'*[d]*uring the review meeting it was apparent that the brothers Glen* [sic] *Vian and Gary* [sic] *Vian had been plotting to kill persons unknown and clearly represent a danger to the public. In view of this I recommend that these two individuals be targeted by specialist units*[…]*.'*[1315]

502. Following DAC Michael Fuller's review of the Abelard One/Morgan Two Investigation,[1316] a meeting dated 23 December 2003, recorded the following:

> *'DAC Griffiths has called the meeting after the closing review into the murder of Daniel Morgan in 1987, chaired by DAC Fuller, recommended a pro-active operation be launched on two of the suspectssuspects* [sic] *for the murder – Glen* [sic] *Vian and Gary* [sic] *Vian. The operation is NOT to gather evidence for the original murder, but the IO* [Investigating Officer] *for the new operation should have evidence gathering opportunities in mind.'*[1317]

503. D/Supt Mick Allen told the meeting that Garry Vian was currently part of another police enquiry, Operation Bedingham, but that at that time Glenn Vian '*did not come within the remit of the enquiry*'.[1318] A note of the meeting shows that D/Supt Allen was tasked by DAC William Griffiths to include Glenn Vian within Operation Bedingham.[1319]

504. In response to Isobel Hülsmann's letter of September 2003[1320] expressing disappointment that no prosecution was to take place, on 06 May 2004 Colin Gibbs of the Crown Prosecution Service provided a written summary of the reasons not to prosecute.[1321] Colin Gibbs' summary

1312 File note by DI Steve Hagger, MPS094325001, p10, undated.
1313 Letter from Isobel Hülsmann to Sir John Stevens, MPS108276001, pp29-30, 24 September 2003.
1314 Letter from DAC Michael Fuller to AC Tarique Ghaffur, MPS094325001, p11, 07 November 2003.
1315 Letter from DAC Michael Fuller to AC Tarique Ghaffur, MPS094325001, p11, 07 November 2003.
1316 Letter from DAC Michael Fuller to AC Tarique Ghaffur, MPS094325001, p11, 07 November 2003.
1317 Note of meeting, MPS094325001, p21, 23 December 2003.
1318 Note of meeting, MPS094325001, p21, 23 December 2003.
1319 Note of meeting, MPS094325001, p22, 23 December 2003.
1320 Letter from Isobel Hülsmann to the Commissioner, Sir John Stevens, MPS108276001, pp29-30, 24 September 2003.
1321 Reasons for the Crown Prosecution Service decision not to prosecute suspects following the murder of Daniel Morgan, HOM000325001, 06 May 2004.

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indicated that the Crown Prosecution Service had '*carefully considered*' the advice of Counsel and '*police views and arrived at the conclusion there was not a realistic prospect of a conviction, pursuant to the Code for Crown Prosecutors*'.[1322]

505. On 13 September 2004, the Director of Public Prosecutions responded to the letter from Home Office Minister, Hazel Blears MP, dated 26 August 2004 requesting information on the actions taken by the Crown Prosecution Service to meet the concerns of the family of the deceased, including the explanation of the reasons for not prosecuting the suspects. The Director of Public Prosecutions' letter contained a summary of contact between the Crown Prosecution Service and the family of Daniel Morgan following the decision not to prosecute, including two meetings attended by the Crown Prosecution Service and Counsel at which topics of concern raised by family members were discussed.[1323,1324]

506. In 2006, while overseeing the preparation and submission of a report on the investigations into the murder of Daniel Morgan for the Metropolitan Police Authority (see Chapter 7, The 2006 Report), DAC John Yates noted that the Abelard One/Morgan Two Investigation '*was one of the most expensive and resource intensive re-investigations that the Metropolitan Police has conducted. The total cost exceeded £2 million*.'[1325]

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1322 Reasons for the Crown Prosecution Service decision not to prosecute suspects following the murder of Daniel Morgan, HOM000325001, p1, 06 May 2004.
1323 Letter to Ken Macdonald from Hazel Blears MP attaching letter to Chris Smith MP, HOM000357001, pp1-3, 26 August 2004.
1324 Letter to Hazel Blears MP from Ken Macdonald, HOM000360001, pp1-2, 13 September 2004.
1325 Commissioning brief for the 2006 Report from the Commissioner of the Metropolitan Police Service to the Metropolitan Police Authority, MPS001308001, p47, 31 January 2006.

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Chapter 7: The 2006 Report from the Commissioner of the Metropolitan Police Service to the Metropolitan Police Authority ('the 2006 Report')

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1 Introduction

1. This chapter outlines the content of the Metropolitan Police's 2006 Report to the Metropolitan Police Authority and whether the report met its brief.

2. The Metropolitan Police Authority was established in 2000;[1] it held the Metropolitan Police Commissioner to account and scrutinised the work of the Metropolitan Police. Part of its role was to monitor the performance of the Metropolitan Police and ensure continuous improvement. This included in depth projects looking into aspects of the work of the Metropolitan Police.[2]

3. On 27 October 2005, a report on the investigations and review of the murder of Daniel Morgan was commissioned. The report was submitted on 07 April 2006 (hereafter referred to as the 2006 Report).[3] It was provided to the family on 10 April 2006.

1 The Metropolitan Police Authority was established in 2000 by the Greater London Authority Act 1999. One of the aims of the Act was to ensure that the Metropolitan Police was democratically accountable.

2 The Metropolitan Police Authority has since been replaced by the Mayor's Office for Policing and Crime (MOPAC).

3 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp160-213, 07 April 2006.

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4. The 2006 Report was originally envisaged by the Metropolitan Police Authority to be the first part of a two-stage process. The second stage was intended to be a review of documents by an independent barrister. That second stage did not occur because of new emerging evidence and the establishment of the Abelard Two Investigation.

1.1 Chronology of key events relating to the 2006 Report

- **08 December 2004** Home Office Minister, Hazel Blears MP, refused to order a public inquiry into the police handling of Daniel Morgan's murder.
- **January 2005** The Metropolitan Police provided a briefing note on events from March 1987 to December 2004 to the Chair of the Metropolitan Police Authority, Len Duvall, and the Mayor of London's Office.
- **19 May 2005** Alastair Morgan and other family members met Len Duvall, and their local Metropolitan Police Authority representative, Jennette Arnold.
- **27 October 2005** A report was commissioned by the Metropolitan Police Authority.
- **31 January 2006** The 2006 Report was submitted to the Metropolitan Police Authority.
- **03 February 2006** The Metropolitan Police Authority rejected the 2006 Report as inadequate.
- **March 2006** The Abelard Two Investigation began under the leadership of DCS David Cook.
- **07 April 2006** An amended version of the 2006 Report was submitted to the Metropolitan Police Authority.
- **10 April 2006** The amended version of the 2006 Report was provided to members of Daniel Morgan's family.

Officers of significance in this chapter, in order of rank

- Commissioner Sir Ian Blair
- Assistant Commissioner Alan Brown
- Deputy Assistant Commissioner (later Assistant Commissioner) John Yates
- Detective Chief Superintendent David Cook

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2 The commissioning of the 2006 Report

5. Daniel Morgan's brother, Alastair Morgan, and other family members met the Chair of the Metropolitan Police Authority, Len Duvall, and their local Metropolitan Police Authority representative, Jennette Arnold, on 19 May 2005, as part of the family's ongoing campaign to seek an inquiry into suspected mishandling, collusion and cover up within the investigations into Daniel Morgan's murder.[4]

6. At the meeting, Alastair Morgan and family members provided information on the events surrounding Daniel Morgan's murder and the police investigations which followed. They also raised concerns about the refusal on 08 December 2004,[5] by Home Office Minister, Hazel Blears MP, to order a public inquiry into the police handling of the case. A further meeting occurred on 27 June 2005, during which Len Duvall outlined ways in which the Metropolitan Police Authority might be able to take action.[6]

7. The Metropolitan Police Directorate of Legal Services had informed DAC John Yates in June 2005 that the Metropolitan Police Authority was likely to require a review report.

8. On 14 July 2005, Len Duvall wrote to Alastair Morgan proposing two courses of action.[7] The first course of action was to require a report to the Metropolitan Police Authority from the Commissioner under Section 22(3) of the Police Act 1996. Len Duvall stated:

> *'A draft brief for this report is attached. Realistically, we are looking at October as the likely timeframe for the production of this report. It would be put to the Authority or an appropriate committee – I would want this to be in public session unless there was a compelling reason why not. I understand that you have no faith in any report produced by the MPS* [Metropolitan Police Service] *but I do consider that it would be of value, particularly if complemented by the legal review proposed in option 2.'*[8]

9. It was suggested that this would be followed by an independent review of all the investigations:

> *'For the MPA* [Metropolitan Police Authority] *to engage the services of an experienced Barrister to independently review all the case papers in relation to the murder of your brother and the subsequent investigations. This course will require the formal agreement of the Commissioner and his consent to disclose all pertinent material to the independent reviewer. I am confident that this consent will be given from the Metropolitan Police Service. I would envisage the brief would invite Counsel to provide a comprehensive appraisal of the several investigations and the various decisions by police and prosecuting authorities and to comment generally on the conduct of the investigations, and in particular to advise whether the case papers:*
>
> - *point to conclusions other than those reached by the most recent MPS* [Metropolitan Police Service] *review of the investigation*

4 Report by the Chief Executive and Clerk of the Metropolitan Police Authority, '*The Murder of Daniel Morgan'* MPA000004001, p3, 27 October 2005.
5 Letter from Home Office Minister, Hazel Blears MP to Bhatt Murphy Solicitors, HOM000052001, 08 December 2004.
6 Report by the Chief Executive and Clerk of the Metropolitan Police Authority, '*The Murder of Daniel Morgan'* MPA000004001, p4, para 15, 27 October 2005.
7 Letter from Len Duvall to Alastair Morgan, PNL000103001, p304, 14 July 2005.
8 Letter from Len Duvall to Alastair Morgan, PNL000103001, p304, 14 July 2005.

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- *indicate police corruption/collusion or involvement in either in* [sic] *the murder itself or the subsequent failure of investigations*
- *provide sufficient grounds to justify any prosecutions*
- *raise issues that could best be pursued through a public inquiry (for instance because of the power to summons witnesses) and what risks might flow from such an inquiry in relation to prospective prosecutions."*[9]

10. At a meeting of the Metropolitan Police Authority on 27 October 2005, the two courses of action above were discussed. The Chief Executive of the Metropolitan Police Authority, Catherine Crawford, sought a decision as to whether the Authority wished to commission the report from the Metropolitan Police, as suggested by the Chair, Len Duvall, and asked for a decision in principle in relation to an independent case review, '*pending an assessment of its likely scale and scope which will be informed by the contents of the Commissioner's report*'.[10]

11. The Deputy Chief Executive and Solicitor to the Metropolitan Police Authority, David Riddle, set out the parameters of the proposed 2006 Report in a report presented to the meeting on 27 October 2005, in which he stated the following:

> *'The Authority has no functions in relation to the investigation of the crime as such, or in relation to decisions whether or not to prosecute. Those are matters for the Commissioner and the prosecuting authority respectively.*
>
> *'However, in pursuing its responsibilities to secure effective and efficient policing, and to hold the Commissioner to account for the performance of the MPS* [Metropolitan Police Service]*, the Authority has a legitimate interest in receiving an explanation from the Commissioner of the MPS' actions in the case. The Authority has the power to require a report from the Commissioner about past matters as well as present ones, and the power to obtain independent legal advice to assist it to come to a view on the conduct of the investigations as a matter of performance and learning."*[11]

12. Minutes of the 27 October 2005 meeting recorded the following:

> *'The Authority was being asked to consider requesting the Commissioner to provide a comprehensive and transparent report on the case to its January meeting. At that point the Authority would be invited to consider appointing an independent barrister to carry out a review. The scope of that review had been left reasonably fluid as it would be informed by the content of the Commissioner's report, but it was meant to be a short and focussed review."*[12]

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9 Letter from Len Duvall to Alastair Morgan, PNL000103001, pp304-305, 14 July 2005.
10 Report by the Chief Executive and Clerk of the Metropolitan Police Authority, '*The Murder of Daniel Morgan*' MPA000004001, p5, para 18, 27 October 2005.
11 Report by the Chief Executive and Clerk of the Metropolitan Police Authority, '*The Murder of Daniel Morgan*', MPA000004001, pp4-5, para 17, 27 October 2005.
12 Metropolitan Police Authority meeting minutes, MPA000014001, p6, 27 October 2005.

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13. Discussion continued:

> *'AC* [Alan] *Brown commented on behalf of the MPS* [Metropolitan Police Service] *that there had been three investigations into this case. The third investigation had proposed to the CPS* [Crown Prosecution Service] *the prosecution of three people. The CPS decision had been that there was insufficient evidence to proceed. The report of this investigation had been made available to the family. The MPS considered that it had explored all available avenues of inquiry in a robust way. He commented that there would be a significant impact on MPS resources to produce the proposed report and this probably could not be achieved by January. Further, the proposed second stage by a barrister would be long and expensive. He suggested instead a review of the latest investigation by a barrister, possibly one of those who had reviewed the case for the CPS in view of their existing knowledge of the case.*
>
> *'The Commissioner* [Sir Ian Blair] *commented that it was clear that the first investigation had been compromised but the second and third investigations had tried to correct that and the MPS had done that to the best of its abilities.*[13]
>
> *'Jennette Arnold expressed concern that the MPS's alternative proposal had not been put forward at an earlier stage than the meeting itself. She commented that the Morgans had felt that their meetings with the Authority's Chair were the first time that their concerns were being listened to. She considered that it was the Authority's duty to hold the police to account on an outstanding and relevant issue.*
>
> *'*[…] *However, the Chair emphasised his view that, although the murder had taken place some years before, there were a number of unanswered questions which would continue to cast doubt on the integrity of the police service. He maintained the course of action proposed in the report and he expected the MPS to co-operate in this. It was not his intention that the second stage review would re-investigate what others had done but to ask focussed questions. He was mindful of the need to keep the cost of this exercise within reasonable bounds. In response the Commissioner said that the MPS would co-operate fully in this exercise.'*[14]

14. **The Metropolitan Police Authority was given no prior notice of the proposal for a review only of the latest investigation by a barrister. Ultimately, however, the Commissioner accepted the requirement by the Metropolitan Police Authority.**

15. **Commissioner Sir Ian Blair's reference, in the meeting, to the 'second investigation' could be interpreted as meaning the Hampshire/Police Complaints Authority Investigation. That investigation did not sufficiently address the problems deriving from the first investigation, nor did it fully address its Terms of Reference (see Chapter 3, The Hampshire/Police Complaints Authority Investigation) nor did the Abelard One/Morgan Two Investigation sufficiently address the problems deriving from the first investigation. While broadly effective, it did not review all the original papers to determine new investigative leads, but instead relied largely on the 2000 Murder Review Report in compliance with its Terms of Reference (see Chapter 6, The Abelard One/Morgan Two Investigation).**

13 Metropolitan Police Authority meeting minutes, MPA000014001, p6, 27 October 2005.

14 Metropolitan Police Authority meeting minutes, MPA000014001, pp6-7, 27 October 2005.

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16. Commissioner Sir Ian Blair's statement, that the Metropolitan Police had tried '*to the best of its abilities*' to correct the problems deriving from the Morgan One Investigation, was inaccurate. The account provided to the Metropolitan Police Authority by the Commissioner had the effect of overstating the extent of past efforts by the Metropolitan Police to rectify the problems in the Morgan One Investigation.

17. The Metropolitan Police Authority decided to require the Commissioner, under section 22(3) of the Police Act 1996, to submit a report to the Authority on the murder of Daniel Morgan and the investigations of that crime.[15] Once it had reviewed the report, the Metropolitan Police Authority would then consider whether to engage a barrister independently to review the case papers.[16]

18. On 03 November 2005, the Metropolitan Police Authority's Chief Executive, Catherine Crawford, wrote to Commissioner, Sir Ian Blair, stating that the Metropolitan Police Authority had agreed to receive the report at its meeting scheduled for 26 January 2006, that members of Daniel Morgan's family would be given the opportunity to view the report and submit comments to the Metropolitan Police Authority, and that the report would therefore need to be completed, or substantially completed, by the end of December 2005. Catherine Crawford specifically stated in her letter: *'I would be grateful if you could alert me at the earliest opportunity if this is not going to be possible, with your estimate of the timescale required for completion of a suitably comprehensive report*.'[17]

19. The Panel spoke separately to Len Duvall and David Riddle, both of whom described the process leading up to the commissioning of the 2006 Report and gave accounts of the discussions they had with the Metropolitan Police before the 27 October 2005 meeting. Len Duvall told the Panel in July 2017 that he felt that some senior officers were against any action which might lead to the reopening of the case,[18] but he believed that some senior officers agreed with him that corruption was still an issue, and that the murder of Daniel Morgan was '*unfinished business*' that needed to be dealt with.[19] Len Duvall described to the Panel a *'heated conversation'* which took place in his office between two senior officers who expressed differing views.[20]

20. On 13 June 2017, David Riddle said to the Panel he had perceived a mindset among the Metropolitan Police in 2005 that the handling of the case in 1987 had met the standards applicable at the time.[21]

15 Section 22(3) of the Police Act 1996 was the provision that *'*[t]*he chief officer of police of a police force shall, whenever so required by the police authority, submit to that authority a report on such matters as may be specific in the requirement, being matters connected with the policing of the area for which the force is maintained'*; available online at www.legislation.gov.uk/ukpga/1996/16/section/22.

16 Metropolitan Police Authority meeting minutes, MPA000014001, p7, 27 October 2005.

17 Letter from Catherine Crawford to Sir Ian Blair concerning the murder of Daniel Morgan, 03 November 2005; available online at www.policeauthority.org/metropolitan/work/cases/morgan/index.html.

18 Panel interview with Len Duvall, PNL000252001, pp1-2, para 5, 20 July 2017.

19 Panel interview with Len Duvall, PNL000252001, pp1-2, para 5, 20 July 2017.

20 Panel interview with Len Duvall, PNL000252001, p2, para 9, 20 July 2017.

21 Panel interview with David Riddle, PNL000251001, p1, para 5, 13 June 2017.

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2.1 The commissioning brief

21. The commissioning brief for the 2006 Report very much reflected Daniel Morgan's family's view of the situation and was as follows:

> *'To report on the murder of Daniel Morgan and the subsequent investigations of that crime, and specifically on:*
>
> *1. the murder and the circumstances surrounding the murder*
>
> *2. the first investigation of the murder carried out by the MPS* [Metropolitan Police Service] *– giving a comprehensive account of the investigation and its weakness including the possibility of the investigation being compromised and specifically covering*
>
> *a. the role of ex PS* [sic] *Sidney Fillery in that investigation; and*
>
> *b. the extent to which other police officers were amongst those who sought to protect him*
>
> *3. The Coroner's inquest and verdict, including in particular the extent to which the inquiry was necessarily reliant upon the products of the first MPS investigation and therefore crippled by any identified weaknesses in that investigation (not least in relation to forensic evidence relating to the murder weapon and the integrity of the crime scene)*
>
> *4. The further investigation by Hampshire Police, addressing in particular*
>
> *a. The extent to which the terms of reference of the investigation were changed whereby its focus was shifted away from its original purpose of investigating police involvement in the deceased's murder; and*
>
> *b. The extent to which the report of the investigation to the PCA* [Police Complaints Authority] *on the question of police involvement in the murder was misleading in its findings, not least in relation to forensic evidence relating to the murder weapon and the integrity of the crime scene.*
>
> *5. Subsequent reviews and re-investigation by the MPS, addressing in particular the circumstances in which the third investigation (The Two Bridges Inquiry) was conducted almost entirely without the knowledge of the deceased's family until it came to be aborted.*
>
> *6. The extent of police corruption as it related to the murder of Daniel Morgan and the subsequent investigation*
>
> *7. The current status of the inquiry*
>
> *8. The lessons learned by the MPS from this case*
>
> *The Commissioner's report will be made available to the family of the deceased.'*[22]

22 Letter from Catherine Crawford to Sir Ian Blair concerning the murder of Daniel Morgan, 03 November 2005; available online at www.policeauthority.org/metropolitan/work/cases/morgan/index.html.

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22. Following the refusal by the Home Office Minister, Hazel Blears MP, to commission a public inquiry into how the police handled the Daniel Morgan case, the family's subsequent, sustained campaign was instrumental in the Metropolitan Police Authority commissioning the 2006 Report on the police investigations into Daniel Morgan's murder.

3 The Metropolitan Police management of the 2006 Report

23. DCS David Cook was tasked to prepare the 2006 Report, under the management of AC Alan Brown and subsequently DAC (later AC) John Yates. Former AC Yates told the Panel in August 2016 that he was given a *'firm steer'* by Len Duvall, and by Commissioner Sir Ian Blair, and was told that the report needed to be a thorough piece of work.[23]

24. Len Duvall and David Riddle, in their separate interviews with the Panel, agreed that the attitude of DAC John Yates was constructive, and that he took a positive approach to the case and to the concerns of the family of Daniel Morgan.[24,25]

3.1 DCS David Cook's role

25. Although DAC John Yates was responsible for the 2006 Report, it was prepared by DCS David Cook, who had been the Senior Investigating Officer for the overt side of the Abelard One/Morgan Two Investigation which had taken place between 2002 and 2003. DCS Cook wrote the 2006 Report and was actively supervised by DAC Yates, who also edited some of the report.[26] Former AC Yates told the Panel that he asked DCS Cook to write the report because of DCS Cook's *'knowledge of the case'*, saying that he was the Metropolitan Police's '*corporate memory*' in this regard, and also because maintaining the confidence of members of Daniel Morgan's family was a central part of the Metropolitan Police strategy in the case.[27]

26. In October 2005, DCS David Cook was on secondment from the Metropolitan Police to Her Majesty's Revenue & Customs. He worked on the 2006 Report while simultaneously working at Her Majesty's Revenue & Customs. The Panel has not seen any documentary evidence from the Metropolitan Police nor from Her Majesty's Revenue & Customs during this period detailing how this arrangement worked, but the Panel has seen some later material giving the views of former DCS Cook on the arrangement. Former DCS Cook submitted a prepared statement to the Independent Police Complaints Commission (now the Independent Office for Police Conduct) in 2012. In this statement, he described the situation as follows:

23 Panel interview with former AC John Yates, PNL000243001, p2, para 5, 30 August 2016.
24 Panel interview with Len Duvall, PNL000252001, p2, para 9, 20 July 2017.
25 Panel interview with David Riddle, PNL000251001, p1, para 5, 13 June 2017.
26 Panel interview with former AC John Yates, PNL000243001, p2, para 5, 30 August 2016.
27 Panel interview with former AC John Yates, PNL000243001, pp2 and 4, paras 9 and 16, 30 August 2016.

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'In October 2005, I was approached and asked if I would review the investigation and prepare a report for the Police Authority. The only other Officer with knowledge of the case had taken some personal leave and was unavailable. HMRC [Her Majesty's Revenue & Customs] *agreed that I could assist. I received 125 crates of material and began the immense task I had been given. I was offered no assistance and this was on top of my day job at HMRC.'*[28]

27. In January 2021, former DCS Cook stated to the Panel that he had faced numerous issues when tasked with drafting the 2006 Report while on full-time secondment. He had been provided with the help of only one Detective Constable, whose support he received after numerous requests. Despite requesting further help he was not provided with any further resources.

28. The appointment of DCS David Cook to prepare the 2006 Report was reasonable on the basis that:

i. the 2006 Report was not intended to be an independent review but was a summary to the Metropolitan Police Authority of what the Metropolitan Police had done so far to investigate the murder of Daniel Morgan; and

ii. the time frame (of three months) given to produce the 2006 Report was limited, and an officer unacquainted with the case would have needed more time.

29. The deadline of 26 January 2006, set by the Metropolitan Police Authority,[29] was not met but the 2006 Report was submitted five days later, on 31 January 2006.[30]

30. DCS David Cook was faced with a huge task within a very tight deadline, particularly since he had been asked to complete this while working full time for Her Majesty's Revenue & Customs. The Panel has seen no evidence DAC John Yates considered:

- whether additional resources were required to meet the deadline; and
- whether he should have alerted the Metropolitan Police Authority to the fact that it would be difficult to meet the proposed deadline, as requested in Catherine Crawford's letter of 03 November 2005 (see paragraph 18 above).

Former DAC Yates acknowledged to the Panel that there were inevitable limitations when preparing the 2006 Report, and that aspects of the case could have been examined in greater detail in the report had the time and resources been available.

28 Prepared statement of David Cook's to the IPCC (now IOPC) in 2012, p6, para 47, IPC001318001.
29 Letter from Catherine Crawford to Sir Ian Blair concerning the murder of Daniel Morgan, 03 November 2005; available online at www.policeauthority.org/metropolitan/work/cases/morgan/index.html.
30 Letter enclosing Report to the Metropolitan Police Authority by DAC John Yates, MPS094332001, pp23-24, 31 January 2006.

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4 The Panel's analysis of the revised and final version of the 2006 Report

31. The first version of the report submitted in January 2006 by the Metropolitan Police to the Metropolitan Police Authority was rejected. A revised version was submitted on 07 April 2006. This was accepted. The final version was provided to members of Daniel Morgan's family on 10 April 2006.[31]

32. The Panel has assessed the content of the final 2006 Report against the version initially submitted in January 2006. Although the Panel's analysis is based on the final version of the 2006 Report, any differences in content between the two versions of the report are identified and set out.

33. In reviewing the 2006 Report, the Panel sought to understand the extent to which the report satisfied the requirements of the commissioning brief outlined above (see paragraph 21), and to establish whether it rendered a clear and accurate account of Daniel Morgan's murder, and the investigations and proceedings which followed. The Panel engaged in a systematic comparative analysis, which involved comparing the statements and claims made in the report against its own analysis of the investigative material disclosed by the Metropolitan Police. The Panel's analysis below broadly follows the structure and order of content as in the 2006 Report. [32]

34. The 2006 Report was structured as follows:

a. Factual background

b. Motive

   i. Belmont Car Auctions civil action

   ii. A disgruntled client

   iii. Robbery

   iv. Financial embezzlement by Daniel Morgan

   v. Daniel Morgan's affair with Margaret Harrison

   vi. Jonathan Rees's hatred of Daniel Morgan

c. The murder of Daniel Morgan as linked to the suicide of DC Alan 'Taffy' Holmes

d. Conclusion

e. The murder and the circumstances surrounding the murder

f. The first investigation of the murder carried out by the Metropolitan Police

g. The Coroner's Inquest and verdict

h. The further investigation by Hampshire Constabulary

31 Letter from David Riddle to Raju Bhatt, MPS094332001, pp6-7, 10 April 2006.

32 The Panel has introduced some of its own structure headings where they were not present in the 2006 Report. This is to assist the reader in understanding the different topics presented in the 2006 Report.

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i. Subsequent reviews and reinvestigation by the Metropolitan Police

j. The extent of police corruption as it related to the murder of Daniel Morgan and the subsequent investigation

k. The current status of enquiry

l. The exhibits and forensics

m. The lessons learned by the Metropolitan Police from this case.[33]

4.1 Factual background

35. The 2006 Report presented brief biographical overviews of Daniel Morgan, his business partner at Southern Investigations, Jonathan Rees, DS Sidney Fillery, Glenn Vian and James Cook, before providing an overview and assessment of various motives which had been considered for Daniel Morgan's murder.[34]

36. The 2006 Report stated that '[t]*he motive for the murder has never been positively identified albeit a number have been suggested over the years*'.[35] The titles (as stated in the 2006 Report) for each motive are reproduced here.

4.1.1 Motive one: 'The Belmont Car Auctions civil action'

37. The first possible motive identified in the 2006 Report was the Belmont Car Auctions civil action, the facts of which were reported accurately (see Chapter 1, The Morgan One Investigation).[36]

38. The 2006 Report concluded that:

> '[t]*he animosity between the partners and the requirements for Southern Investigations to deposit £10,000 at the High Court made* [Daniel] *Morgan angry and depressed. This with the other possible motives detailed in this report, may have driven* [Jonathan] *Rees to finally dispense with an already hated, and in his view, troublesome partner.'*[37]

4.1.2 Motive two: 'A Disgruntled Client'

39. The 2006 Report stated that Daniel Morgan may have been murdered by someone with whom he came into contact during his business, as '*it was not unusual for people in the private investigation industry to be the subject of such threats from time to time without them ever being realised'*.[38]

40. The 2006 Report stated that the *'disgruntled client'* line of enquiry was introduced into the investigation by Jonathan Rees on 11 March 1987, when his statement was taken by DS Sidney Fillery, and suggested that '[i]*t cannot be discounted that this was a diversionary tactic employed either by Rees and or Fillery'.*[39]

33 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp162-213, 07 April 2006.
34 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp162-165, paras 18-40, 07 April 2006.
35 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p166, para 41, 07 April 2006.
36 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp166-170, 07 April 2006.
37 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p170, para70, 07 April 2006.
38 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p171, para 73, 07 April 2006.
39 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p171, para 72, 07 April 2006.

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41. The 2006 Report concluded that:

> *'*[t]*he "Disgruntled Client" line of enquiry has been investigated over the years and a number of individuals traced and interviewed. Although it can never be discounted, there is no real evidence, intelligence or information available to suggest that this is a motive.'*[40]

42. Although the 2006 Report referred to this motive as the *'disgruntled client'*, and said that this possible motive was introduced by Jonathan Rees in 1987, threats were identified by the Morgan One Investigation as coming from people who may have been investigated, or otherwise affected by Daniel Morgan's work, as opposed to those who had instructed him (see Chapter 1, The Morgan One Investigation).

4.1.3 Motive three: 'Robbery'

43. The 2006 Report stated that it had previously been suggested that Daniel Morgan may have been the victim of a violent robbery. The report discounted robbery as a viable motive, because Daniel Morgan was found with *'£1,170.00p'* in his jacket pocket[41] and stated that an officer who attended the scene of Daniel Morgan's murder, DC Noel Cosgrave, thought that he saw a Rolex watch on his body.[42] However, in his statements of 27 May 1987[43] and 04 October 1988,[44] DC Cosgrave had made no mention of Daniel Morgan's Rolex watch. In his statement of 19 April 1989, DC Cosgrave had stated that he was *'unable to say if there was a wristwatch on MORGAN's body*'.[45] The 2006 Report did not state that DC Cosgrave had first said that Daniel Morgan had been wearing his Rolex watch in August 2002, some 15 years after Daniel Morgan's murder.[46,47] Nor did it record that former DC Cosgrave's 2002 statement was inconsistent with his earlier statements.

44. While the Panel acknowledges the time and resource constraints that the authors of the 2006 Report were under, the inconsistency in former DC Noel Cosgrave's accounts should have been reflected in the 2006 Report.

45. The 2006 Report emphasised that an axe, which had been prepared '*with two rings of plaster taped around the handle to assist the attacker's grip*',[48] had been used in the murder. The 2006 Report concluded that '[i]*n light of these circumstances, robbery as a motive appears to be highly unlikely*'.[49]

40 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p172, para 77, 07 April 2006.
41 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p172, para 79, 07 April 2006.
42 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp172-173, 07 April 2006.
43 Witness statement of DC Noel Cosgrave, MPS017993001, p1, 27 May 1987.
44 Witness statement of DC Noel Cosgrave, MPS017994001, p1, 04 October 1988.
45 Witness statement of DC Noel Cosgrave, MPS000157001, p1, 19 April 1989.
46 Message M25, *'Crimewatch'*, MPS059885001, p1, 26 June 2002.
47 Witness statement of DC Noel Cosgrave, MPS060404001, p1, 06 August 2002.
48 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p173, para 82, 07 April 2006.
49 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p173, para 82, 07 April 2006.

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46. From the Panel's examination of the evidence from the Morgan One Investigation, the method of the murder, the presence of a large sum of money on the body of Daniel Morgan, and the summary provided in the 2006 Report, the statement that '*robbery as a motive appears to be highly unlikely*' appears reasonable.

4.1.4 Motive four: 'Final embezzlement by Daniel Morgan'

47. Financial investigations into Daniel Morgan's and Jonathan Rees's firm, Southern Investigations, had been undertaken by the Abelard One/Morgan Two Investigation in 2002 (see Chapter 6, The Abelard One/Morgan Two Investigation). These enquiries were considered in the 2006 Report, which stated that both Daniel Morgan and Jonathan Rees drew significant amounts of money from the business in excess of their salaries, with the company's balance sheet showing net liabilities of £14,825 in April 1987, and that '[a]*s a consequence, by 1987 Southern Investigations had become insolvent*'.[50] The accounts were stated to show that Daniel Morgan withdrew £9,690 more than Jonathan Rees over the period of the partnership, but the 2006 Report noted that this did not take into account any other private expenses included as business expenses in the partnership accounts, and that, by March 1987, unpaid partnership tax amounted to £24,400 plus interest and penalties. The 2006 Report concluded that '[t]*hese financial dealings, along with the fact that Morgan set up another company with the intention of substantially reducing the benefit Rees would receive from the bailiff side of the business, adds to an overall motive for Rees*'.[51]

48. Consideration of the financial position of Southern Investigations as a motive for murder was relevant and appropriate.

4.1.5 Motive five: 'Daniel Morgan's affair with Margaret Harrison'

49. The 2006 Report noted admissions by Margaret Harrison (who worked at a local estate agent's office) that she and Daniel Morgan had a brief relationship and that they continued to meet socially. It also referred to telephone data analysis which revealed that Jonathan Rees had telephoned Margaret Harrison 62 times at her workplace and five times at her home address between October 1986 and March 1987, while Daniel Morgan had contacted her on only 11 occasions and only at work during the same period (see Chapter 1, The Morgan One Investigation).[52] The 2006 Report stated that it was reasonable to assume that some form of relationship had begun between Jonathan Rees and Margaret Harrison. There was '*anecdotal evidence*' to suggest that Jonathan Rees was '*besotted*' with Margaret Harrison, and therefore the motive may have involved jealousy about her friendship with Daniel Morgan.[53]

50 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp173-174, para 86, 07 April 2006.
51 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p174, para 90, 07 April 2006.
52 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p175, para 92, 07 April 2006.
53 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p175, para 93, 07 April 2006.

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50. The overall assessment of this potential motive was as follows:

> *'It is not believed that this is a motive in its own right. The ongoing investigations have identified those who the MPS* [Metropolitan Police Service] *believe were responsible for the murder and because of relationship issues, this may have been an added reason for Rees in particular but not the sole one.'*[54]

51. Margaret Harrison had admitted that she had lied to the police in 1987 and in 1989 and to the Inquest into Daniel Morgan's death in 1988 when she had said that she was not in a relationship with Jonathan Rees at that time. This matter was not dealt with adequately in the 2006 Report, as it did not address the fact that Margaret Harrison had lied on this subject; nor did it explore the significance of the relationships which Daniel Morgan and Jonathan Rees had with Margaret Harrison, nor analyse what Jonathan Rees had said about this matter.

4.1.6 Motive six: 'REES' hatred of MORGAN'

52. The 2006 Report summarised evidence obtained from witnesses in the Morgan One and Hampshire/Police Complaints Authority investigations, in particular Kevin Lennon's evidence concerning Jonathan Rees's hatred of Daniel Morgan:

> *'A number of people provide evidence of the ill feeling between Morgan and Rees. Morgan believed that Rees was lazy and that the success of the business was due to his own hard work.*
>
> *'Daniel Morgan was against involving the company in security work worrying about the effect this would have on their reputation with other clients. The relationship deteriorated over time and eventually Rees grew to despise Morgan. He could not suffer his personality, his behaviour, and client complaints about Morgan's inability to deal with the files in his office.*
>
> *'The relationship had deteriorated over the years to a point where Rees was often openly hostile towards Morgan and both were talking to third parties about ending the partnership. Rees' hatred of Morgan could have only contributed to an overall motive.'*[55]

4.1.7 Motive seven: The murder of Daniel Morgan as linked to the suicide of DC Alan Holmes

53. The 2006 Report referred to previous enquiries into the death of DC Alan 'Taffy' Holmes (see Chapter 1, The Morgan One Investigation; and Chapter 3, The Hampshire/Police Complaints Authority Investigation), noting Jonathan Rees's influence on this line of enquiry and his suggestion to the Hampshire/Police Complaints Authority Investigation that DC Holmes, Commander Ray Adams and the 1983 Brinks-Mat robbery were connected with the murder.[56] He had repeated the suggestion to a bookkeeper at Southern Investigations, who had made a statement to this effect in 1989. The 2006 Report stated that Jonathan Rees had told the

54 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p175, para 94, 07 April 2006.
55 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp175-176, paras 95-97, 07 April 2006.
56 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p177, para 103, 07 April 2006.

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bookkeeper at Southern Investigations that Daniel Morgan had obtained information from DC Holmes about the activities of Commander Adams and the Brinks-Mat robbery and was going to sell this information to a newspaper.[57]

54. The 2006 Report concluded that '[a]*bsolutely no evidence has been found to link the death of DC Holmes, the activities of ex-Commander Ray Adams, or the Brinks Mat robbery to the Morgan murder*'.[58] The 2006 Report also concluded that '[i]*t is almost inconceivable to believe that a journalist, having been approached by Morgan about a story on high level corruption, would not have capitalised on it once his murder had been announced*'.[59]

55. It is stated in the 2006 Report that *'it is known that Daniel Morgan was friends with Taffy Holmes, although the true extent of their friendship cannot be determined*'.[60]

56. The 2006 Report should not have stated that '*it is known that Daniel Morgan was friends with Taffy Holmes*'. It should have acknowledged that there were limited conflicting accounts as to whether DC Alan Holmes was known to, or was a friend of, Daniel. However, the conclusion made by the 2006 Report that there was no evidence to link the death of DC Holmes to the death of Daniel Morgan was reasonable.

57. After the rejection of the first version of the report, the 2006 Report included additional text within this section, stating:

> *'There can be little doubt that this was a time when corruption in certain parts of the MPS* [Metropolitan Police Service]*, particularly the specialist squads, was endemic. It was only in the mid to late 90s that the true extent of the nature of the corrupt activity came to light and positive action taken to address the issues, both directly and allied with a proper preventive strategy. It is fair to say that the MPS had taken its collective eye off the ball in the 1980s and the result was squads within squads and an appalling level of dishonest activity. This is not something that the MPS can be proud of.'*[61]

4.2 The conclusions drawn in the 2006 Report as to motive

58. The 2006 Report stated in conclusion that:

> *'there is overwhelming evidence to suggest that the true motive was a combination, which caused the relationship between Daniel Morgan and Jonathon* [sic] *Rees to break down and ultimately led to his murder.*
>
> *'The Metropolitan Police is now, through the ongoing investigations, in possession of information, which has in some way been supported by evidence, that Daniel Morgan's murder was not, as has been described, an "Assassination" by a professional "Hitman" but instead a murder borne out of personal issues and resentment and committed by people known to him.*

57 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p177, para 104, 07 April 2006.
58 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p177, para 108, 07 April 2006.
59 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p178, para 111, 07 April 2006.
60 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p178, para 109, 07 April 2006.
61 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p178, para 109, 07 April 2006.

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'This information that currently exists, which is supported by some evidence, identifies the killer to be Glen [sic] *Vian, the brother in law of Jonathan Rees. It is apparent that he was supported by Jimmy Cook, who was present at the time of the killing and drove the getaway car afterwards.*

'The identification of Rees as the prime suspect with his brother in law Glen [sic] *Vian, who were both involved with Belmont Car Auctions, supports the theory that the murder was motivated out of personal issues and reduces the probability that it was connected to high level police corruption or robbery.*[62]

'In terms of his murder being related to police corruption, there was more than enough of that permeating around Belmont Car Auctions and Sid Fillery for there to be some substance attached, but not to any other aspects of corruption identified.'[63]

59. The 2006 Report examined many possible motives , including the '*growing distrust and dislike*' and financial difficulties between Jonathan Rees and Daniel Morgan, the Belmont Car Auctions civil action and the potential damage which this action may have brought to Southern Investigations, the growing conflict between Daniel Morgan and Jonathan Rees leading to Daniel Morgan seeking ways to end the partnership arrangements, and the possibility that Margaret Harrison was in a relationship with both of them at the time of Daniel Morgan's death. Some of these lines of enquiry required further examination. However, the Panel acknowledges the limited time frame with which the authors of the 2006 Report were faced.

60. The deteriorating relationship between Daniel Morgan and Jonathan Rees could have formed a motive, or at least part of a motive, for the murder. However, while previous investigations may have identified suspects in the murder who were believed to be acting from personal motives, this did not necessarily preclude police involvement in the murder of Daniel Morgan or in attempts to frustrate the investigation of the murder.

4.3 The assessment of the Morgan One Investigation in the 2006 Report in the light of the *'standards of the time'*

61. After a two-page summary of the circumstances of Daniel Morgan's murder, the 2006 Report provided an assessment of the Morgan One Investigation. The Commissioner was required to provide '*a comprehensive account of the* [Morgan One] *investigation and its weakness*' which included, but was explicitly not limited to, '*the possibility of the investigation being compromised*'.[64] The issue of compromise was framed in the context of DS Sidney Fillery's role in the Morgan One Investigation and the extent to which other officers sought to protect him.

62 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp178-179, paras 112-115, 07 April 2006.
63 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p179, para 117, 07 April 2006.
64 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p160, para 4, 07 April 2006.

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62. The '*comprehensive account'* of the Morgan One Investigation required by the Metropolitan Police Authority Terms of Reference was contained in 59 paragraphs across 11 pages of the 2006 Report. It opened with a comparative assessment of standards applicable to murder investigations between 1987 and in 2006, the involvement of DS Sidney Fillery in the Morgan One Investigation, and D/Supt Douglas Campbell's attendance at the scene of Daniel Morgan's murder:

> *'The ways in which murder or suspicious deaths are investigated now are substantially different from how they would have been dealt with in 1987. By trying to identify what occurred without using hindsight as a tool, one can form the view that this investigation, had it not been subject to the involvement of Fillery, would have been of an average and, perhaps, acceptable standard for the time. As stated later in this report, the staffing levels were adequate and appear, even by today's standards, to have been a proportionate response to such a crime.'*[65]

63. The 2006 Report went on to state:

> *'Describing it of an average standard means that there was no great sophistication behind the approach taken. The SIO* [Senior Investigating Officer] *identified specific lines of enquiries and his officers were tasked to complete allocated actions. There was no great science behind this form of investigation. Nor was any officer specially trained or accredited, unlike today's standards. In general they were solved through the identification of fingerprints, witnesses or intelligence given by informants.'*[66]

64. The assertion in the 2006 Report that, had former DS Sidney Fillery not been involved in the investigation, the investigation would have been of '*an average and, perhaps, acceptable standard for the time*', was inaccurate and presented a misleading picture to the Metropolitan Police Authority and members of Daniel Morgan's family. There were multiple other investigative failures which could not be attributed to DS Fillery, such as the failure to manage exhibits properly and to search and secure the crime scene properly on the night of the murder (see Chapter 1, The Morgan One Investigation).

65. Relying on information from the Hampshire/Police Complaints Authority Investigation, the 2006 Report stated that '*a total of twenty-one Police personnel attended the scene and this number included Scenes of Crime Officers and Photographers'*.[67] It added that none of the officers who had been present at the Golden Lion public house on 09 March 1987 (the day before the murder) attended the murder scene, and that '[t]*his reduced the probability that any corrupt or dishonest activity occurred that could have affected the integrity of the scene'*.[68]

65 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p182, para 134, 07 April 2006.
66 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p182, para 135, 07 April 2006.
67 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p183, para 141, 07 April 2006.
68 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p183, para 141, 07 April 2006.

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66. The Panel has seen evidence that the Morgan One Investigation's list of those who attended the murder scene is incomplete. While none of the officers who were present at the Golden Lion public house on 09 March 1987 was recorded as having attended the scene of Daniel Morgan's murder, this does not preclude the possibility that they did attend, or that they were able to influence other officers who attended. It cannot therefore be concluded that certain officers definitely did not attend the murder scene and that '[t]*his reduced the probability that any corrupt or dishonest activity occurred that could have affected the integrity of the scene'.*

67. The 2006 Report quoted from the report by DCS Alan Wheeler, Senior Investigating Officer of the Hampshire/Police Complaints Authority, in relation to the police responding to the scene of Daniel Morgan's murder:

> *'The response of the Officers was in accordance with what would be expected of Police Officers responding to such an incident. No evidence has been obtained to support the proposition of Police interference with the scene. The scene was safe guarded for examination.'*[69]

68. The 2006 Report went on to state that:

> '[w]*ithout the reliance on the Hampshire report, it would be impossible to pass comment about the thoroughness or otherwise of the scene examination. The approach in 1987 would be substantially different now owing to the existence of new and more sensitive forensic techniques such as DNA.'*[70]

69. DCS Alan Wheeler was wrong in stating that the murder scene was safeguarded during the night after the murder. It was not. This was a major mis-statement by DCS Wheeler, and the authors of the 2006 Report should have recognised and rectified the error, rather than confirming it.

70. The 2006 Report noted organisational reforms within the Metropolitan Police in relation to investigating murders, and the establishment of a Homicide Command, which was responsible for the investigation of murders in London. It noted that, in 1987, it was standard practice to involve Divisional Crime Squads (such as the Catford Crime Squad) in the early stages of major investigations for a limited period.[71]

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69 Report by DCS Alan Wheeler to Roland Moyle (Police Complaints Authority), *'Murder of Daniel John Morgan'*, MPS060685001, p65, para 143, 04 September 1989.

70 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p184, para 144, 07 April 2006.

71 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp182-183, para 138, 07 April 2006.

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71. There were major reforms to police practice in murder investigations between 1987 and 2006. However, by 1987 the Metropolitan Police had established clear standards governing the conduct of officers responding to the scene of a murder or suspicious death. There were also established standards for handling exhibits and for administrative procedures in Major Incident Rooms. The Morgan One Investigation did not meet these standards, but the 2006 Report failed to reflect this position, thus accepting the incorrect assurances of the Hampshire/Police Complaints Authority report by DCS Alan Wheeler without question.

72. There was no comprehensive account in the 2006 Report of the Morgan One Investigation and its weaknesses as required by the Metropolitan Police Authority's Terms of Reference. The 2006 Report did not comment on a number of matters of concern relating to the integrity of the conduct of the Morgan One Investigation and should have identified the operational weaknesses in the Metropolitan Police systems which would have been apparent from an analysis of the investigation papers.

The 2006 Report was not an independent review but was intended to be a summary of actions undertaken by the Metropolitan Police, and the authors of the 2006 Report had neither adequate time nor resources for such a thorough task. However, the Metropolitan Police failed to ensure that the report provided to the Metropolitan Police Authority was compliant with its Terms of Reference.

4.3.1 The 2006 Report's account of the role of DS Sidney Fillery in the Morgan One Investigation

73. As stated above, DS Sidney Fillery's role in the Morgan One Investigation was noted as a specific issue in the Metropolitan Police Authority Terms of Reference. The 2006 Report devoted eight of the 11 pages of an overall assessment of the Morgan One Investigation to DS Fillery's role.[72]

74. The 2006 Report stated that from 09 March 1987 the Catford Crime Squad, under the leadership of DS Sidney Fillery, *'were available for immediate further deployment'* having just completed their involvement in a previous murder investigation.[73] The report added that this *'may be significant in terms of Morgan's presence at the Golden Lion Public House on 9th March',* the day before the murder. Following the rejection of the first version of the report, the 2006 Report also stated:

> *'Whilst this report will often question the role and involvement of Fillery in this case, the fact that he was assigned should not be seen as either unusual or suspicious. They* [Catford Crime Squad] *had just finished a murder enquiry and they were (the Divisional Crime Squad) the first port of call, in terms of resources, for the next case.'*[74]

72 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp181-192, 07 April 2006.
73 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p183, para 139, 07 April 2006.
74 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p183, para 139, 07 April 2006.

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75. The 2006 Report stated that:

> *'Fillery played what could be considered a significant role in the early stages of the investigation. The extent of his involvement is open to speculation but there are certain things that have been confirmed since, namely his involvement with Jonathon* [sic] *Rees.'*[75]

76. The 2006 Report also stated that DS Sidney Fillery withheld from the Morgan One Investigation the extent of his friendship with Jonathan Rees (see Chapter 1, The Morgan One Investigation). It outlined DS Fillery's involvement in taking Jonathan Rees to the mortuary to identify Daniel Morgan's body and taking a witness statement from Jonathan Rees, *'which was brief and contained no useful background information'*.[76] Following the rejection of the first version of the report, the 2006 Report included further comment about DS Sidney Fillery:

> *'By the standards of the day, there appears to have been considerable effort put in to determining what Fillery may or may not have done. He was, after all, investigated, arrested and interviewed under caution. Could more have been done? Possibly yes and certainly in today's world, a great deal more would have been done, particularly around technical attacks and other proactive opportunities.'*[77]

77. In relation to a Belmont Car Auctions file, which was alleged to have been removed by DS Sidney Fillery during a search of Southern Investigations' offices the day after the murder, the 2006 Report stated:

> *'Fillery was present when the search was conducted at the offices of Southern Investigation* [sic] *and there is little doubt that at some point he took possession of the Belmont Car Auctions file before part of it was eventually handed in to the investigation. It is not known and cannot now be ascertained whether he was responsible for the concealment or destruction of any further evidence, but we must be open to the possibility that he was.'*[78]

78. A number of reflections and theories arising from DS Sidney Fillery's involvement in the Morgan One Investigation were contained within the 2006 Report, including the following:

a. *'What further involvement Fillery had with the investigation is difficult to determine, anecdotal information suggests that he was always there or thereabouts';*[79]

b. *'As a supervising officer he was present at almost all briefings thus knew the full extent of the lines of enquiries that were being identified or developed';*[80]

c. *'During the 2002 re-investigation, the Deputy SIO Alan* [sic] *Jones (now retired) of the original investigation was interviewed and recalled after every briefing Fillery went straight out and made one or more telephone calls. He believed these were to Rees but this cannot now be proved';*[81]

75 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p184, para 145, 07 April 2006.
76 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p184, para 147, 07 April 2006.
77 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p184, para 146, 07 April 2006.
78 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp184-185, para 148, 07 April 2006.
79 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p185, para 149, 07 April 2006.
80 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p185, para 150, 07 April 2006.
81 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p185, para 150, 07 April 2006.

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d. *'Fillery would have been in a position to inform Rees of the lines of enquiry that would have been pertinent to him and allow the early destruction of evidence which could implicate him in the murder';* [82]

e. *'There is no doubt that Sid Fillery compromised the initial investigation. The extent to which Fillery damaged the investigation is unknown and must therefore, for the purpose of this report, be left open to objective speculation';*[83]

f. *'There is no suggestion that Fillery was involved in the murder act itself';*

g. *'However, Fillery's association and relationship with Rees and his involvement in corrupt and illegal practices cannot and should not be dismissed. It is not therefore possible to discount the possibility that at some stage, before or after the murder, Fillery knew exactly what was happening';*[84] *and,*

h. *'The murder occurring both at a time when Fillery would have been available to work on the enquiry and at a location within the Catford Policing area is difficult to disregard as a mere coincidence. However,* […] *there are perfectly plausible explanations for his presence on this particular murder.'* [85]

79. In conclusion, the 2006 Report stated:

'During the 2002 investigation the MPS [Metropolitan Police Service] *were open to the suggestion that the role-played* [sic] *by Fillery may have been significant, either in the murder or the events after it. However, no evidence was obtained that would prove or more importantly disprove any belief.'*[86]

'There was a significant resolve by the initial investigation to arrest and charge those responsible for Daniel Morgan's murder. It would be unfair to use the hindsight tool as to what could or should have been done by way of identifying weakness in the capability of the then murder squad.'[87]

80. The suggestion in the 2006 Report that it would be '*unfair*' to use '*the hindsight tool*' in relation to '*weakness in the capability of the then murder* [investigation]' was wrong. It is not necessary to use hindsight to identify fair criticism of the conduct of the Metropolitan Police in this matter.

81. The 2006 Report continued:

'They could have adopted many different lines of enquiry, but in essence having removed an obstacle to success they quickly identified Rees as the prime suspect and arrested him, along with his brothers in law the Vians and Fillery.[88]

82 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p185, para 151, 07 April 2006.
83 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p186, para 157, 07 April 2006.
84 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p187, paras 164-165, 07 April 2006.
85 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p189, para 175, 07 April 2006.
86 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p190, para 183, 07 April 2006.
87 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p190, para 184, 07 April 2006.
88 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p190, para 185, 07 April 2006.

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'Viewing it from what we now know, Detective Superintendent Campbell was not far from the truth. Sadly to prove their suspicions they needed evidence but the initial weakness in the investigation had probably led to that being destroyed and no longer available.[89]

'That weakness was the presence of Detective Sergeant Fillery on the murder investigation and his corrupt relationship with the prime suspect Jonathon [sic] *Rees.'*[90]

82. Although the 2006 Report concluded that the presence of DS Sidney Fillery on the Morgan One Investigation was the '*weakness*' which had probably led to evidence being destroyed, the Panel has not seen evidence capable of proving that DS Fillery '*destroyed*' evidence of criminality.

83. The 2006 Report's emphasis on the presence of DS Sidney Fillery on the Morgan One Investigation had the effect of limiting the impact on the Metropolitan Police's reputation by focusing only on one 'bad apple'. The Panel does not agree that the presence of DS Fillery was the only weakness of the Morgan One Investigation.

84. The 2006 Report continued:

'It was beyond any reasonable comprehension, then, as it would be now, despite having measures in place, to think that a Police Officer could have been involved and working against the direction of the enquiry and the interests of the family by destroying evidence or giving the suspects an advantage through informing them of intended police action. However, it would be foolhardy to suggest that such a set of circumstances could not be replicated today."[91]

85. The statement beginning '[i]*t was beyond any reasonable comprehension*' indicates a mindset which should not have existed. The fight against police corruption must always involve a consciousness of the fact that police officers may act corruptly, and it should not be beyond '*reasonable comprehension*' that an officer might act in a corrupt manner.

The statement '[h]*owever, it would be foolhardy to suggest that such a set of circumstances could not be replicated today*', was only added following the rejection of the first version of the 2006 Report by the Metropolitan Police Authority.

89 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp190-191, para 186, 07 April 2006.
90 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p191, para 187, 07 April 2006.
91 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp191-192, para 191, 07 April 2006.

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4.4 The coverage of the Inquest into Daniel Morgan's death in the 2006 Report

86. The Metropolitan Police Authority required the Metropolitan Police to account for the extent to which the Inquest was '*reliant upon the products of the first MPS* [Metropolitan Police Service] *investigation and therefore crippled by any identifiable weaknesses in that investigation (not least in relation to forensic evidence relating to the murder weapon and the integrity of the crime scene)*'.[92]

87. The 2006 Report noted the '*minimal influence*' of the police on the Coroner, stating that the final decision as to which witnesses should be called '*was that of the Coroner and once witnesses gave evidence, the police had minimal influence over the proceedings or what would have been asked of the witnesses giving evidence*'.[93]

88. The report made no reference to a number of matters, such as the challenge put forward by Counsel representing Daniel Morgan's family and Counsel representing Jonathan Rees, to the presentation of forensic matters to the Coroner (see Chapter 2, The Inquest). The 2006 Report also stated that *'*[d]*etails of the crime scene and the forensic evidence were introduced* […] *without any contention'*.[94] This is incorrect.

89. D/Supt Douglas Campbell briefed the Coroner on the investigation, and provided reports indicating lines of enquiry and the primary direction of the investigation, including lists of witnesses and statements (see Chapter 2, The Inquest). The Coroner had broad discretion concerning many aspects of the Inquest proceedings, including who should appear as a witness. However, based on the lack of resources to examine the whole of the Morgan One Investigation, the Coroner was reliant upon D/Supt Douglas Campbell's briefing, which provided the names of witnesses to call. In practice the Coroner was, inevitably, significantly influenced by the direction and focus of the Morgan One Investigation, rather than being subjected to '*minimal influence'* as stated in the 2006 Report.

4.5 The 2006 Report's coverage of the Hampshire/Police Complaints Authority Investigation

90. The Metropolitan Police was required to provide an explanation of '[t]*he extent to which the terms of reference of the* [Hampshire/Police Complaints Authority] *investigation were changed whereby its focus was shifted away from its original purpose of investigating police involvement in the deceased's murder*'.[95] In addition, it was tasked with providing an explanation of '*the extent to which the report of the investigation to the PCA* [Police Complaints Authority] *on the question of police involvement in the murder was misleading in its findings, not least in relation to forensic evidence relating to the murder weapon and the integrity of the crime scene*.'[96]

92 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p160, para 5, 07 April 2006.
93 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p192, para 194, 07 April 2006
94 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p194, para 208, 07 April 2006.
95 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p194, para 210, 07 April 2006.
96 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p195, para 210, 07 April 2006.

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91. The 2006 Report set out its analysis of the Hampshire/Police Complaints Authority Investigation in five pages. The report stated:

> *'Owing to the alleged involvement of police in Morgan's murder being reported upon by the media on 24th June 1988, the Commissioner of the Metropolitan Police referred the matter for supervision by the Police Complaints Authority under Section 88, Police and Criminal Evidence Act 1984.*
>
> *'On 24th June 1988, Hampshire Constabulary was appointed by the Metropolitan Police to investigate certain aspects surrounding the murder of Daniel Morgan under the supervision of the Police Complaints Authority. The head of Hampshire Criminal Investigation Department, Detective Chief Superintendent Alan Wheeler, was designated as the Senior Investigating Officer.*
>
> *'The terms of reference for the Investigating Officer were:-* ***"To investigate allegations that Police were involved in the murder of Daniel Morgan and any matters arising therefrom"*** [emphasis in original].
>
> *'There is no indication or evidence that can be found that, once initially agreed, the Terms of Reference were ever changed. Officers from Hampshire were interviewed during the 2002 investigation and when this was suggested it was denied in the strongest possible terms."*[97]

92. The Panel has not seen any evidence of a change to the written Terms of Reference devised by the Police Complaints Authority. However, there was a change in the way these Terms of Reference were interpreted, as DCS Alan Wheeler moved towards a reinvestigation of the murder as opposed to restricting his work to a focus on police involvement in the murder (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

93. The Panel requested from the Abelard One/Morgan Two Investigation the records of its interviews of Hampshire Constabulary police officers who had been involved in the Hampshire/Police Complaints Authority Investigation. No records could be found. It is therefore not possible to comment on the accuracy of the assertion that Hampshire police officers denied that there was any change to the Hampshire/Police Complaints Authority Terms of Reference.

94. There was no full analysis in the 2006 Report of the circumstances regarding the alleged changes to the Terms of Reference for the Hampshire/Police Complaints Authority Investigation. There was a failure in the 2006 Report to identify clearly the changes in the way in which the Hampshire/Police Complaints Authority Investigation's Terms of Reference and DCS Alan Wheeler's remit were interpreted, indicating that the Hampshire/Police Complaints Authority Investigation had not been '*examined in depth*', as was later claimed in the 2006 Report. However, it is acknowledged that the authors of the 2006 Report were faced with a limited time frame and limited resources for a full analysis.

97 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p195, paras 211-214, 07 April 2006.

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4.5.1 The focus of the Hampshire/Police Complaints Authority Investigation

95. The 2006 Report stated the following in the context of the focus of the Hampshire/Police Complaints Authority Investigation:

> *'It was the view of Mr Wheeler, that his enquiry might produce additional evidence, which would enable charges to be preferred in connection with the murder. This approach was key when developing the direction and lines of enquiry that Hampshire intended to take.*
>
> *'This would have been a natural approach to adopt, for although it was specifically tasked to look at "Police Involvement" it would have been criticised if it had not consider* [sic] *the potential involvement of other parties.*
>
> *'The investigation was independent. Once the terms of reference were agreed, Hampshire had autonomy to decide what to do and how. It was resourced purely with Hampshire staff and situated in Fareham.*
>
> *'No information or evidence has been found which would suggest that Hampshire acted anything other than independent of the Metropolitan Police. However, it would still have required access to information held by the MPS* [Metropolitan Police Service]*, their staff and their environment. This would be entirely normal and is to be expected.*
>
> *'To assist with this, Detective Superintendent Alan Lewis of the MPS Complaints Investigation Bureau was appointed as Liaison Officer although not initially seconded to Hampshire.*
>
> *'However once the decision to arrest and charge persons in connection with the murder was made, his secondment was officially requested because ultimately, this was a Metropolitan Police crime, albeit being investigated by Hampshire. No evidence can be found that he in any way inappropriately influenced the direction of Hampshire.'*[98]

96. The 2006 Report concluded that the Hampshire/Police Complaints Authority Investigation was independent. In January 2021, former DCS David Cook stated to the Panel that his understanding in 2006, was that Hampshire Constabulary was appointed by the Metropolitan Police to investigate certain aspects surrounding the murder of Daniel Morgan under the supervision of the Police Complaints Authority and that it was independent. However, the Hampshire/ Police Complaints Authority Investigation was carried out on behalf of, and in liaison with, the Metropolitan Police (see Chapter 3, The Hampshire/Police Complaints Authority Investigation). A senior Metropolitan Police officer was granted access to the whole investigation. While the appointment of a liaison officer is normal and good practice, D/Supt Alan Lewis's role went further, to the extent that decisions were made in consultation with him, and he charged those arrested in connection with the murder. This is not normal in an independent investigation. Additionally, in an interview with the Panel, former DCS Alan Wheeler stated that he reported to the Metropolitan Police and the Police Complaints Authority and that he regarded himself as working on behalf of the Metropolitan Police on a Metropolitan Police matter.[99]

98 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp195-196, paras 215-220, 07 April 2006.
99 Panel interview with former DCS Alan Wheeler, PNL000205001, p2, 24 March 2015.

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97. Regarding a change in focus of the Hampshire/Police Complaints Authority Investigation, the 2006 Report stated:

> *'The Hampshire investigation has been examined in depth and it is difficult to identify the point at which the focus of attention changed from Rees and the police officers to Rees, Paul Goodridge and his girlfriend Jean Wisden.'*[100]

98. It is not difficult to identify a clear moment in the Hampshire/Police Complaints Authority Investigation where the focus of the investigation changed. The disclosed materials reveal that this focus changed on or shortly before 14 November 1988. This can be found in entry number 19 of DCS Alan Wheeler's policy file, which stated '*the investigation is to concentrate on the alibi of Paul Goodridge and John Rees for night of 100387 this is to be treated with utmost secrecy, dated 141188*'.[101] Senior Investigating Officers' policy documents are fundamental to the effective administration of a murder investigation, subsequent review and audit, and these events should have been identified by the authors of the 2006 Report.

99. The 2006 Report stated that the Hampshire/Police Complaints Authority Investigation had developed a '*mindset'* following the identification of Jonathan Rees and Paul Goodridge as the suspects for Daniel Morgan's murder, and that it was '*impossible to determine'* whether the Hampshire police officers had any evidence or information about the involvement of police and particularly DS Sidney Fillery in the murder: '*All their efforts were eventually directed towards the prosecution of* [Jonathan] *Rees,* [Paul] *Goodridge and* [Jean] *Wisden*.'[102]

100. In fact, the Hampshire/Police Complaints Authority Investigation had considered evidence implicating former DS Sidney Fillery in the murder, and information received from a Metropolitan Police Constable in 1987, suggesting that former Police Officer Z31 should be considered as a possible suspect for the murder of Daniel Morgan. At that time former Police Officer Z31 had been awaiting trial for assaulting six off-duty police officers in Richmond. He had also fitted the description of a man wanted for a serious assault on a young girl on a train. More significantly, he had been wanted for assaulting a man with an axe (see Chapter 3, Hampshire/Police Complaints Authority Investigation).

101. The 2006 Report was incorrect in stating that it was '*impossible to determine*' whether the Hampshire Constabulary officers had any evidence or information about the involvement of police and particularly DS Sidney Fillery. Had the authors of the 2006 Report considered the records of the Hampshire/Police Complaints Authority Investigation in more detail, they would have established that that investigation had considered the evidence relating to former DS Sidney Fillery and to former Police Officer Z31 referred to above (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

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100 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp195-196, paras 215-221, 07 April 2006.
101 Senior Investigating Officer Policy document, Operation Drake, MPS035201001, p3, 14 November 1988.
102 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p197, paras 223-225, 07 April 2006.

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102. The 2006 Report continued:

> *'This potentially had a detrimental effect on the outcome of the independent investigation and as such it could be said that it failed to meet the initial Terms of Reference.'*[103]

103. The conclusion of the 2006 Report that the Hampshire/Police Complaints Authority Investigation could be said to have failed to meet its initial Terms of Reference is accurate. It focused on Jonathan Rees, Paul Goodridge and Jean Wisden to the detriment of considering the possible involvement of police officers in the murder, and the potential corruption of the initial murder investigation (see Chapter 3, The Hampshire/ Police Complaints Authority Investigation).

4.5.2 Charging decisions in the Hampshire/Police Complaints Authority Investigation

104. The 2006 Report stated that the decision to charge Jonathan Rees, Paul Goodridge and Jean Wisden '*possibly prevented Hampshire from continuing with an objective approach to the aspect of possible police involvement in the murder*'.[104]

105. The report continued, '[i]*t was widely accepted at the time that Hampshire had identified the people responsible*', and that it was '*insufficiency of evidence that prevented the prosecution from being pursued*'.[105]

106. In its assessment, the report stated the following:

> *'The fact is, based on what we now know, had the prosecution gone ahead and been successful then the conviction of Paul Goodridge and Jean Wisden would have amounted to a miscarriage of justice. Rees, had he also been convicted, would no doubt have benefited from this with the probability of his conviction being quashed which, until recent changes in the double jeopardy rule, would have precluded any further investigation into him for the murder.'*[106]

107. The Panel has established the sequence of events which developed following the arrests by DCS Alan Wheeler of Jonathan Rees, Paul Goodridge and Jean Wisden, culminating in the civil action by Paul Goodridge. This was settled *'out of court'* on the basis that Hampshire Constabulary accepted that Paul Goodridge was charged with murder *'without reasonable and probable cause'* but that he accepted that this was not done maliciously (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

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103 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p197, paras 224-226, 07 April 2006.
104 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p197, para 227, 07 April 2006.
105 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p197, para 228, 07 April 2006.
106 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp197-198, paras 227-229, 07 April 2006.

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108. The 2006 Report stated it *'was widely accepted at the time'* that the Hampshire/Police Complaints Authority Investigation had identified the people responsible for Daniel Morgan's murder but there was insufficient evidence on which to prosecute those who were arrested. The extent to which this was *'widely accepted'* is not explained in the 2006 Report. There is no evidence to implicate Paul Goodridge or Jean Wisden in the murder.

4.5.3 The Report of the Hampshire/Police Complaints Authority Investigation

109. The Hampshire/Police Complaints Authority Investigation resulted in a final report which was submitted in September 1989 to the Police Complaints Authority. The Police Complaints Authority issued a statement of satisfaction with the investigation on 12 February 1990. The 2006 Report stated that, after this:

> *'*[t]*he Morgan family were informed by letter dated 27th March 1990 that the investigation had revealed "no evidence of involvement by any police officer in the murder of Daniel" and "no evidence to suggest that any member of the murder investigation team took deliberate action to prevent the murder being properly detected".*
>
> *'Taking into account this comment and what has already been written, it may be difficult to suggest that any evidence can be found that the Hampshire report to the Police Complaints Authority contained anything that was in any way deliberately misleading. It was, after all, based on their knowledge, actions and beliefs at the time which arose as a result of their investigation. A lot of what is now known came after their enquiries had been completed.*
>
> *'Hampshire's findings have now been somewhat undermined through the efforts made to pursue a conviction of Goodridge and Wisden and in light of what is now known. Yet it was the first and only external review conducted and there is still material within their report which supplies good background knowledge that can still be relied upon.'*[107]

110. During the Hampshire/Police Complaints Authority Investigation two reports were produced: the report by PS John Riddell, a HOLMES (police database) specialist with the Hampshire Constabulary, which addressed administration issues and the operation of the Major Incident Room in the Morgan One Investigation;[108] and the report by DCI Terence Farley, Head of the Scenes of Crime Department of Hampshire Constabulary, which reviewed forensic aspects of the Morgan One Investigation.[109] These reports brought important matters to the attention of DCS Alan Wheeler, but they were not reflected in his final investigation report.

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107 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp198-199, paras 234-236, 07 April 2006.
108 Report by PS John Riddell, MPS022494001, 28 July 1988.
109 Report by DCI Terence Farley, *'Enquiries into the forensic aspect of the original investigation of the murder of Daniel Morgan'*, MPS005270001, 19 January 1989.

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111. There was no evidence in the 2006 Report of a systematic review of the report by DCI Terence Farley or the report by PS John Riddell, and the Panel has seen no evidence that these reports were looked at. Rather, there was heavy reliance in the 2006 Report on DCS Alan Wheeler's investigation reports to the Crown Prosecution Service and Police Complaints Authority, which the Panel has found were not in themselves full and accurate depictions of the totality of the Hampshire/Police Complaints Authority Investigation (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

112. The reliance in the 2006 Report on DCS Alan Wheeler's investigation reports may have been due to the limited resources allocated by the Metropolitan Police and the tight time frame for presentation of the report. Nonetheless, the assessment of the Hampshire/Police Complaints Authority Investigation in the 2006 Report is deficient, as it relied only upon DCS Wheeler's investigation reports. There was no material which derived from any source other than DCS Wheeler's investigation reports.

4.6 Coverage of subsequent reviews and reinvestigations in the 2006 Report

113. The 2006 Report explained that, following the Morgan One and Hampshire/Police Complaints Authority investigations, the Daniel Morgan murder enquiry became a '*cold case*' on which further work would be conducted if new information or evidence was identified. It explained that no further *'formal'* review was undertaken until 2000,[110] when the 2000 Murder Review occurred, and that *'this arose from the Directorate of Professional Standards' investigation "Operation Two Bridges"*'.[111]

114. The Terms of Reference of the 2006 Report required an explanation of '[s]*ubsequent reviews and re-investigation by the MPS, addressing in particular the circumstances in which the third investigation (The Two Bridges Inquiry) was conducted almost entirely without the knowledge of the deceased's family until it came to be aborted*'.[112]

115. The terms of reference of the 2006 Report wrongly described Operation Nigeria/Two Bridges as a Directorate of Professional Standards' investigation. Operation Nigeria/Two Bridges was an intelligence-gathering operation.

110 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p199, para 239, 07 April 2006.
111 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p199, para 239, 07 April 2006.
112 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p161, para 7, 07 April 2006.

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4.6.1 DCS Douglas Shrubsole's review of the investigation in 1987

116. The 2006 Report referred to the review of the Morgan One Investigation conducted by DCS Douglas Shrubsole in 1987:

> *'Prior to the Inquest and Hampshire's involvement, Detective Chief Supt Shrubsole of the Metropolitan Police conducted a review of the investigation. This took place between October and December of 1987*[.] *He examined every action, message and statement relating to the case. He was satisfied, in accordance with the standards that existed, that all reasonable lines of enquiry had been identified and that the investigation was thorough.*
>
> *'This original investigation and initial review were conducted at a time before the MPS* [Metropolitan Police Service] *had introduced processes such as policy files and decision logs. It is now impossible to verify the decisions and policy made by the murder investigating or review team but it is obvious that the Metropolitan Police identified the Morgan investigation as problematic from the outset.'*[113]

117. Other than his statement, no records relating to DCS Douglas Shrubsole's review have been seen. His conclusions that the Morgan One Investigation was thorough have not been substantiated in any of the documents that the Panel has seen (see Chapter 1, The Morgan One Investigation). An examination of the Morgan One Investigation material in the period up to 04 December 1987 (the time of DCS Shrubsole's review) should have identified many examples of the inadequacy of that investigation. The 2006 Report did not contradict DCS Shrubsole's endorsement of the Morgan One Investigation.

118. The 2006 Report was wrong in saying that there were no policy books for recording decisions in 1987. A policy file was created by D/Supt Douglas Campbell for the Morgan One Investigation.

4.6.2 Disciplinary investigations and Jonathan Rees's complaints against the police

119. The 2006 Report briefly noted the disciplinary investigation of DS Sidney Fillery, DC Alan Purvis and DC Peter Foley in relation to the Belmont Car Auctions matter,[114] and the investigation of the complaints made by Jonathan Rees against the police.[115] Jonathan Rees's complaint had been investigated by DCS David Lamper (see Chapter 1, The Morgan One Investigation). The 2006 Report concluded that '[n]*o further evidence has been identified during the course of these investigations that would have added value to the original enquiry*'.[116]

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113 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp199-200, paras 240-241, 07 April 2006.
114 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p200, paras 242-243, 07 April 2006.
115 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p200, para 244, 07 April 2006.
116 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p200, para 245, 07 April 2006.

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120. There is little mention in the 2006 Report of the findings by DCS David Lamper following his investigation of complaints made by Jonathan Rees against many officers involved in the Morgan One Investigation, including D/Supt Douglas Campbell, DI Allan Jones, DC Clive Blake and DS Malcolm Davidson. There was also no account within the 2006 Report of the significant findings made by DCS Lamper in relation to elements of the Morgan One Investigation. Given that the 2006 Report referred to the investigation into the conduct of DS Sidney Fillery, DC Alan Purvis and DC Peter Foley, which was peripheral to the investigation of Daniel Morgan's murder, it should also have acknowledged and outlined the salient facts from the complaint report by DCS David Lamper.

4.6.3 DS Sidney Fillery's retirement from the Metropolitan Police

121. In relation to DS Sidney Fillery's retirement from the Metropolitan Police, the 2006 Report stated:

> *'Detective Sergeant Fillery would probably have been made subject of disciplinary proceedings. However, he avoided this by reporting certificated sick on 9th September 1987 and remained so until 20th March 1988 when he was medically discharged from the Service*[…]. *He served as a police officer for a total of 22 years and 10 months.*
>
> *'An examination of Fillery's personal medical record by Hampshire revealed that he had been sick on a number of occasions but nothing of a serious nature. There were no periods of sickness, which would tend to indicate a medical problem, which would necessitate medical discharge.'*[117]

122. For the avoidance of doubt, DS Sidney Fillery was in fact subject to a disciplinary investigation, but this was discontinued when he was medically discharged from the Metropolitan Police, and so no disciplinary action could be taken.

4.6.4 Inspector Geoffrey Pierce's 1996 review of lines of enquiry

123. The 2006 Report detailed an examination of the previous murder investigations that was carried out in 1996 by Inspector Geoffrey Pierce, which identified matters relating to former Police Officer Z31, as an outstanding line of enquiry:

> *'In 1996, following pressure from the family of the deceased, in particular Alistair* [sic] *Morgan, Inspector Pierce of the Complaints Investigation Bureau reviewed all papers and discovered an uncompleted line of enquiry concerning* [former Police Officer Z31]. *This man was named by two sources and had previous for attacking a recovery agent with an axe.*

117 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p201, paras 247-248, 07 April 2006.

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'In April 1996, Detective Chief Inspector Smith from the 4 Area Major Investigation Team examined the case against [former Police Officer Z31]*. His enquiries revealed a single source naming* [former Police Officer Z31] *and only tenuous links with the crime. He recommended 'No Further Action'. However in November 1997,* [a Detective Inspector] *from 4 AMIT was tasked to make active enquiries into the case against* [former Police Officer Z31] *who was subsequently arrested but later released without charge."*[118]

4.6.5 Operation Nigeria/Two Bridges

124. The Terms of Reference required the Metropolitan Police to report on *'the circumstances in which the third investigation (The Two Bridges Inquiry) was conducted almost entirely without the knowledge of the deceased's family until it came to be aborted'.*[119]

125. The 2006 Report stated that:

'Operation "Two Bridges" arose as a result of intelligence coming to light both from within the Directorate of Professional Standards Directorate [sic] *and other intelligence sources.*

'Through this intelligence a covert evidence gathering operation was established which focussed attention on Fillery and Jonathan Rees's premises at Law and Commercial. This involved the deployment by Police of an evidence gathering "probe" which was deployed with the specific intention of gathering evidence of conversation between Rees and Fillery for the murder of Daniel Morgan and other corrupt activity believed to be in existence in relation to serving and retired police officers.

'There were two sides to this operation and they were kept strictly separate for security reasons. The operational team deployed in support were of the belief that it was an investigation into Rees and Fillery's criminality, activity and with a focus on corruption.

'However, from a Senior Management perspective, it was viewed both as an investigation into corrupt activities of police, but also an opportunity to gather evidence in relation to the murder of Daniel Morgan.

'The operation began well and evidence of murder was starting to emerge. It is not possible to discuss the details of this due to the sensitivities surrounding ongoing enquiries. However, it was quickly sidetracked by the general criminal activity of Rees."[120]

126. When reporting on Operation Nigeria/Two Bridges in the 2006 Report, the Metropolitan Police referred to the murder first, and then to the investigation of corruption as an ancillary purpose. The impression was given to Daniel Morgan's family by the 2006 Report that the Metropolitan Police was conducting an investigation into Daniel Morgan's murder. This was not the case (see Chapter 4, Operation Nigeria/ Two Bridges).

118 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p201, paras 250-251, 07 April 2006.
119 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p161, para 7, 07 April 2006.
120 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp201-202, paras 252-256, 07 April 2006.

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127. The 2006 Report then provided a brief summary of the discovery by Operation Nigeria/Two Bridges of a conspiracy to plant Class A drugs on the wife of a client of Law & Commercial (formerly Southern Investigations) (see Chapter 4, Operation Nigeria/Two Bridges). The discovery of this conspiracy led to an investigation and Operation Nigeria/Two Bridges ended.[121] The 2006 Report also stated that *'useful intelligence had been gained'* during the course of Operation Nigeria/Two Bridges, intelligence which it stated identified James Cook and Glenn Vian as being involved in Daniel Morgan's murder.[122]

128. As discussed in the Corruption chapter (see Chapter 10), other information of criminal activity by two individuals, involving obtaining private telephone information and private financial data by deception for Law & Commercial, had been obtained and investigated during Operation Nigeria/Two Bridges. Neither individual was prosecuted following advice from the Crown Prosecution Service. This was also noted by Len Duvall, who told the Panel that it was his view that the commissioning of the 2006 Report was intended to enable this to be discussed and an explanation to be given,[123] although the Panel notes that this did not form part of the Terms of Reference.

129. The 2006 Report stated that the intelligence gained in Operation Nigeria/Two Bridges was supported by other information, which '*was received on or about the same time and from which one was able to establish both the identity and role played by* [James] *Cook and* [Glenn] *Vian'*.[124]

4.6.5.1 Failure to inform members of Daniel Morgan's family of Operation Nigeria/Two Bridges

130. The 2006 Report stated that members of Daniel Morgan's family were not informed of Operation Nigeria/Two Bridges for reasons of operational security: *'*[i]*t was conducted by the Directorate of Professional Standards who kept strict control over who knew what owing to the links Rees had into corrupt police officers'*.[125] However, the report stated that '*once evidence of criminality started to emerge that suggested a possible impact on Daniel Morgan's murder then discussions with the family took place'* and that:

> *'*[t]*he Morgan family and their solicitor Raju Bhatt of Bhatt Murphy & Co have been constantly briefed on almost all aspects of the case and to a degree, as previously described, the level of information given has been unprecedented.'*[126]

131. Although the 2006 Report stated that members of Daniel Morgan's family were '*constantly briefed on almost all aspects of the case'*, in fact the family were not briefed until after the publication of a *Daily Telegraph* article on 02 July 1999, which was intended to promote discussion among the suspects for the murder of Daniel Morgan. Daniel Morgan's family saw the article without any prior warning or explanation from the police, (see Chapter 4, Operation Nigeria/Two Bridges). They were briefed only after their solicitor contacted the Metropolitan Police, on 15 and 22 July 1999 (see Chapter 12, The Treatment of the Family).

121 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp202-203, paras 256-260, 07 April 2006.
122 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p203, para 260, 07 April 2006.
123 Panel interview with Len Duvall, PNL000252001, p2, para 10, 20 July 2017.
124 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p203, para 261, 07 April 2006.
125 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p204, para 265, 07 April 2006.
126 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p208, para 288, 07 April 2006.

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132. The 2006 Report contained a brief conclusion concerning former DS Sidney Fillery, and the allegations of police involvement in the murder, stating '*it has been equally difficult to both prove and disprove police involvement in the murder of Daniel Morgan*'[127] and, referring to ongoing enquiries, that '[f]*or the purpose of operational security these* [current enquiries] *cannot be discussed in this report*'.[128]

133. The Panel accepts that it would have been inappropriate to discuss in the 2006 Report ongoing enquiries into Daniel Morgan's murder on the basis of operational security.

4.6.5.2 Access to the Hampshire/Police Complaints Authority Report for members of Daniel Morgan's family

134. With reference to the Hampshire/Police Complaints Authority Report, the 2006 Report stated that *'the family had for some time asked for sight of the Hampshire PCA* [Police Complaints Authority] *report. This was initially resisted by the MPS* [Metropolitan Police Service]*. However, in 2003, prior to the issue being taken to Judicial Review, the PCA Report was handed over.'*[129]

135. The 2006 Report's reference to resistance '*initially*' was a considerable understatement of the facts. The Metropolitan Police had resisted providing members of Daniel Morgan's family with access to the Hampshire/Police Complaints Authority Report for over 16 years until the family had brought judicial review proceedings and the Metropolitan Police had eventually agreed to hand over the report. On 04 July 2003, the High Court had ordered that disclosure of the report would be made, subject to redactions and conditions. It was only in 2005 after further legal proceedings were proposed that the unredacted report was disclosed – 18 years after the murder of Daniel Morgan.

4.6.6 The 2006 Report's account of the Abelard One/Morgan Two Investigation

136. The 2006 Report presented a detailed account of the Abelard One/Morgan Two Investigation, emphasising that it was the most expensive and resource-intensive reinvestigation that the Metropolitan Police had conducted, costing more than £2 million.[130] Following the rejection of the first version of the report, the 2006 Report added that '[t]*his is a very high figure and reflects the costs associated with only those murders that are categorised as A+, ie, those of the most serious nature where there is grave public concern around the circumstances*'.[131]

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127 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p208, para 294, 07 April 2006.
128 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p209, para 296, 07 April 2006.
129 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p208, para 289, 07 April 2006.
130 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p206, para 280, 07 April 2006.
131 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p206, para 280, 07 April 2006.

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137. The 2006 Report stated the following:

a. DCS David Cook (the author of the 2006 Report) was appointed as the Senior Investigating Officer:[132] *'It was initially intended that the Murder Command would support a covert investigation led by the Directorate of Professional Standards. However, this strategy was changed which gave primacy to* [DCS David Cook]*, supported by the* [Directorate of Professional Standards].'[133]

b. The Murder Command investigation team was handpicked and vetted.[134] To assist with progression of the investigation, the Metropolitan Police made available a reward of £50,000, which was published in an appeal made on *Crimewatch*.[135]

c. The focus of the investigation was on Glenn Vian, James Cook and former DS Sidney Fillery.[136] The investigation also involved re-interviewing witnesses from the Morgan One Investigation and *'the identification of new information with a view to it being obtained in evidential form'*.[137]

d. The investigation *'unearth*[ed] *some new evidence and a substantial amount of new information.* […] *This was presented to Treasury Counsel for a view*. [DCS Cook's] *conclusion was that he was satisfied that we now knew the identity of those responsible for Daniel Morgan's murder but that the evidence available did not meet the threshold to enable a prosecution to be commenced*.'[138] The information gathered could not be produced in evidence as witnesses could not be compelled to give evidence despite *'strenuous efforts'*.[139]

e. A number of arrests and searches were made during the investigation which led to former DS Sidney Fillery being charged with offences unrelated to Daniel Morgan's murder.[140]

f. The investigation was under the scrutiny of a Gold Group, which was chaired by Commander Andre Baker, and overseen by DAC Andrew Hayman.[141]

g. Lawyers from the Crown Prosecution Service had advised on the methodology and evidence-gathering process, so as to strengthen prosecution possibilities.[142]

h. Proactive investigative initiatives in relation to key suspects had been used but without much success.

i. While most lines of enquiry had been concluded by 2003, the investigation remained open, with sporadic opportunities being followed up.[143]

132 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p205, para 270, 07 April 2006.
133 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p205, para 271, 07 April 2006.
134 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p205, para 272, 07 April 2006.
135 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p205, para 272, 07 April 2006.
136 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p205, para 273, 07 April 2006.
137 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p205, para 273, 07 April 2006.
138 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p205, para 274, 07 April 2006.
139 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p206, para 275, 07 April 2006.
140 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p205, paras 276-279, 07 April 2006.
141 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp206-207, para 281, 07 April 2006.
142 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p207, para 282, 07 April 2006.
143 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p207, para 283, 07 April 2006.

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j. The report emphasised that during the 2002 (Abelard One/Morgan Two) investigation, the family and their solicitor were being constantly briefed and the level of information given was *'unprecedented'*.[144]

k. Once the findings of the 2002 (Abelard One/Morgan Two) investigation had been reported to the Crown Prosecution Service, and the decision was made not to prosecute, the family had been informed of the decision immediately.[145]

l. During 2003, the Morgan family asked for sight of the report of the 2002 (Abelard One/Morgan Two) investigation. After deliberation, the family were given a redacted copy subject to conditions on non-disclosure.[146]

138. This is a full synopsis of the Abelard One/Morgan Two Investigation in the Panel's view. However, it did not identify any failings, problems or unresolved issues with the Abelard One/Morgan Two Investigation, which had been investigated by DCS David Cook, the author of the 2006 Report.

4.7 The 2006 Report's conclusions concerning the extent of police corruption as it related to the murder of Daniel Morgan and the subsequent investigation

139. The 2006 Report concluded that '*it has been equally difficult to both prove and disprove police involvement*' in Daniel Morgan's murder. The report continued:

> *'There is clearly some evidence to suggest that Fillery may have had some involvement but that evidence is not of a standard that has been or can be further substantiated at this time.*
>
> *'There is, however, clear evidence to suggest that Fillery, in his role as a police officer, acted in a way through which his integrity could be called into question. This was especially so in relation to the early stages of the murder investigation but, as stated, without further evidence or information to assist, the extent of his corrupt involvement can only be subject of speculation.'*[147]

140. The Panel acknowledges that DS Sidney Fillery was explicitly referred to in the 2006 Report's Terms of Reference, and his involvement in the Morgan One Investigation was examined. The 2006 Report failed to deal with other police corruption such as the presence of a former police officer in the investigation room (see Chapter 1, The Morgan One Investigation).

144 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p208, para 288, 07 April 2006.
145 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p208, para 290, 07 April 2006.
146 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p208, para 291, 07 April 2006.
147 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp208-209, paras 294-295, 07 April 2006.

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4.8 The 2006 Report's conclusions concerning exhibits and forensics

141. The 2006 Report contained observations about the exhibits gathered and their integrity for evidential purposes, describing them as '*an area of concern*'.[148] The report drew significantly on the 2000 Murder Review's observations on the whereabouts and integrity of the exhibits (see Chapter 5, The 2000 Murder Review) and noted that, at the time of the 2006 Report, a '*full forensic review is currently being conducted*'.[149]

142. The Panel has seen no evidence of a full forensic review being conducted when the 2006 Report was prepared. However, it was correct for concerns over the exhibits to be reflected in the 2006 Report.

4.9 The 2006 Report's consideration of the lessons learned by the Metropolitan Police from this case

143. The Terms of Reference required the Metropolitan Police to identify lessons learned from the case. With reference to the Morgan One Investigation into Daniel Morgan's murder, the 2006 Report stated that:

> '[t]*he Metropolitan Police Service did in the early stages of this investigation and subsequent years appear to be slow in recognising this as a critical incident and as such* [has] *been slow to learn from it.*'[150]

144. The 2006 Report referred to a comment made by the Coroner to the Inquest:

> *'I have to say here and now that there has been no evidence whatsoever in this Inquest to point to any Police involvement in this killing; nothing that we have heard during this Inquest.'*[151]

145. Further reference is made to DCS Alan Wheeler's report of the Hampshire/Police Complaints Authority Investigation:

> *'There is no evidence of wilful action(s) on behalf of any member of the Metropolitan Police Murder Investigation squad to prevent the murder being properly detected.'*[152]

146. The 2006 Report concluded that such comments had provided *'a degree of comfort to the Metropolitan Police by indicating there were no major issues to be addressed, and therefore no substantial learning resulted'*.[153]

148 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p209, para 297, 07 April 2006.
149 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p210, para 305, 07 April 2006.
150 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p211, para 309, 07 April 2006.
151 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p211, para 310, 07 April 2006.
152 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p211, para 310, 07 April 2006.
153 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p211, para 311, 07 April 2006.

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147. The Panel agrees with the 2006 Report's conclusion that the Metropolitan Police took comfort from the Coroner's and DCS Alan Wheeler's comments and so learned nothing substantial. However, this comfort was misplaced. Had they looked further, there was ample evidence of failings during the investigations from which lessons could have been learned.

148. Several reforms and changes to police practice since Daniel Morgan's murder in 1987 were identified in the 2006 Report. Some were attributed to lessons learned in the Daniel Morgan investigations, many others *'to other murder investigations, especially that of Stephen Lawrence'*.[154] These comprised:

- *'The development of a comprehensive Murder Review Process*
- *The development and introduction of Decision Logs and Policy Files*
- *The first actions at the scene of a serious crime*
- *The identification and management of critical incidents*
- *The detailed forensic examination of major crime scenes, use of cordons and taking into account modern forensic investigative capabilities*
- *The introduction of a proactive and highly skilled Anti-Corruption Command*
- *The development and introduction of an Anti-Corruption Strategy*
- *Our approach towards the family of murder victims such as close liaison and informing them of events*
- *The development and introduction of Homicide Commands, dedicated teams who have an expertise in investigations of this nature*
- *The training of Senior Investigators through the national SIO [Senior Investigating Officer] development and accreditation programme*
- *The training of all investigators through the Professionalising the Investigative Process Programme*
- *The development and introduction of the Independent Advisory Groups and their involvement in Gold Groups pertinent to this form of enquiry.'*[155]

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154 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp211-212, para 312, 07 April 2006.
155 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p212, para 313, 07 April 2006.

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149. In conclusion, the 2006 Report stated:

> *'The Metropolitan Police Service is acutely aware of the damage caused to its reputation and the subsequent stress borne by the family as a result of this flawed investigation. The organisation is determined to do everything within its capability to put this right and ensure that any learning from this or other cases is captured and disseminated as widely as possible.'*[156]

150. Some of the developments cited in the 2006 Report as occurring after 1987 in response to a number of cases including Daniel Morgan's murder, in fact existed before 1987. Procedures for first actions at the scene of a crime and the use of decision logs and policy files were in existence and were common practice at the beginning of the investigation into Daniel Morgan's murder. Some changes to police practice listed in the 2006 Report were a result of general developments in national policy relating to investigations of murder and other major crimes. The effect of listing them in the report was to exaggerate the extent of change which could be attributed to lessons learned by the Metropolitan Police from Daniel Morgan's murder, as opposed to other murder investigations and general development.

151. In preparing the 2006 Report, the Metropolitan Police did not undertake a full examination and analysis of the information available at the time. Such analysis may not have been possible within the time frame given to prepare the 2006 Report. However, as a consequence, there was a failure to recognise, and a resulting inability to learn from, all the failings, systemic and individual, which such an examination should have identified.

5 Reception and rejection of the first version of the 2006 Report

5.1 The provision of the first version of the 2006 Report to the Metropolitan Police Authority and '*a new lead*'

152. It has been noted earlier in this chapter that the first version of the 2006 Report was submitted on 31 January 2006. DAC John Yates' letter which accompanied the report recommended that it should not be made public. DAC Yates explained that publication could compromise a further investigation prompted by a new line of enquiry, of which Len Duvall was aware, involving a new witness who was prepared to give '*Queen's Evidence*'.[157]

156 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp212-213, para 315, 07 April 2006.
157 Letter enclosing Report to the Metropolitan Police Authority by DAC John Yates, MPS094332001, p23, 31 January 2006.

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153. DAC John Yates explained that, in order to use such a witness, there was a requirement for the witness to admit and be arraigned for all their past criminal activity. He indicated that this process could take up to a year and that this view was supported by the Crown Prosecution Service.[158] He provided the Metropolitan Police Authority with a copy of the Crown Prosecution Service advice and explained that the Metropolitan Police would be working closely with the Crown Prosecution Service and Counsel in dealing with the matter. DAC Yates said that he would be happy to meet Daniel Morgan's family to explain why the report could not be made public.[159]

5.2 The Metropolitan Police Authority's rejection of the first version of the 2006 Report

154. Upon receiving the report dated 31 January 2006 from the Metropolitan Police, the Metropolitan Police Authority rejected it. Unfortunately, the Panel has not been able to view the complete records from the Metropolitan Police Authority concerning this decision as some documentation appears to be missing. It has therefore had to rely on public sources. A BBC News article cited an update provided to Alastair Morgan, in which the Metropolitan Police Authority was quoted as stating:

> *'It is his (Mr Duvall's) view that the report is not adequate, for example in either reaching an understanding of past investigations or in acknowledging how possible misconduct by one or more officers may have affected the investigation of this murder.*
>
> *'Nor does he think it answers the key issues of concern for you and your family.*
>
> *'The MPS (Metropolitan Police Service) will therefore be informed tomorrow (Friday) that he is not prepared to accept the report as it stands.*
>
> *'Len fully appreciates quite how upsetting this will be for you and your family but wants you to know that he remains fully committed to taking this forward to a positive conclusion.'*[160]

155. The news article included a comment from a Metropolitan Police spokesperson, who said they were aware of the concerns expressed by the Chair of the Metropolitan Police Authority and would seek to address them.[161]

156. The Panel asked both Len Duvall and David Riddle why the initial draft of the report had been rejected. Len Duvall stated that he considered it to have been *'totally unacceptable',* as its tone had been *'that everything was alright'*.[162] He believed that there remained outstanding questions and that the family of Daniel Morgan deserved some answers, and so he spoke to Commissioner Sir Ian Blair and sent the draft back.[163] David Riddle recollected that the first version lacked any admission of responsibility by the Metropolitan Police.[164]

158 Letter enclosing Report to the Metropolitan Police Authority by DAC John Yates, MPS094332001, pp23-24, 31 January 2006.
159 Letter enclosing Report to the Metropolitan Police Authority by DAC John Yates, MPS094332001, p24, 31 January 2006.
160 *'Met chief murder report rejected'*, BBC News Online, http://news.bbc.co.uk/1/hi/wales/mid/4677472.stm , 03 February 2006.
161 *'Met chief murder report rejected'*, BBC News Online, http://news.bbc.co.uk/1/hi/wales/mid/4677472.stm , 03 February 2006.
162 Panel interview with Len Duvall, PNL000252001, pp2-3, para 13, 20 July 2017.
163 Panel interview with Len Duvall, PNL000252001, p3, para 14, 20 July 2017.
164 Panel interview with David Riddle, PNL000251001, p1, para 4, 13 June 2017.

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157. The Panel has seen an exchange of emails between DAC John Yates and David Riddle in the period following the report's rejection. In an email sent on 06 February 2006, DAC Yates wrote to David Riddle:

> *'I've got your fax of the wish-list.*[165] *Whilst some of the material clearly forms part of the Section 22(3) report, much of it is very specific and will require a detailed response. I have to express some surprise that this wasn't brought to my (our) attention earlier and why it didn't form part of the original request. There is no date on the list and I wonder whether you have one?'*[166]

158. David Riddle replied in an email later the same day with a list of 17 *'areas where the report might be tweaked a little'.* Two examples may illustrate the tone and nature of the concerns:

- *'paras 100 to 116 – can we be more open and expansive about all of this. To show the Met baring its soul as it were. Para 110 is strange, as it clearly leaves open the possibility that police corruption played a part in the murder,and* [sic] *para 116 only comments about "reduced probability" but the report is otherwise unforthcoming. Para 114 – can you say more about the information in question.'*
- *'Para 135 – is a fuller critique of the investigation possible. Acceptable standard at the time – does this mean poor by today's standards? Be frank.'*[167]

159. The revised 2006 Report was accepted by the Metropolitan Police Authority, and a letter enclosing a copy of the report was sent to the solicitor acting for Alastair Morgan, Jane Morgan and Isobel Hülsmann on 10 April 2006.[168]

160. Having viewed the first version of the 2006 Report, the Panel considers it was reasonable for the Metropolitan Police Authority to encourage a more open response by the Metropolitan Police. However, the additions made to the report by the Metropolitan Police, after the rejection of the first version, were general in nature and did not add much to an understanding of events between 1987 and 2006, as envisaged in the Metropolitan Police Authority's Terms of Reference.

6 The final stages of the review and submission of the final report

161. As stated above, it was proposed that, after the report was received by the Metropolitan Police Authority, an independent barrister should review the case papers and produce a report for members of Daniel Morgan's family.

165 The Panel assumes this was a list of issues that needed to be addressed in a revised version of the 2006 Report; the Panel has not seen this fax.
166 Email from DAC John Yates to David Riddle contained in the Abelard Two Investigation, D387, MPS109658001, p3, 06 February 2006.
167 Email from David Riddle to DAC John Yates contained in Operation Abelard Two D387, MPS109658001, p2, 06 February 2006.
168 Letter from David Riddle to Raju Bhatt, MPS094332001, pp6-7, 10 April 2006.

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162. The Panel understands from the papers made available to it, and from what it has been told by Len Duvall and David Riddle, that this option was not pursued because, in the interval between the first version of the 2006 Report being delivered and the final version being agreed, a new witness had come forward.[169,170] Therefore, the Metropolitan Police believed that there were grounds for further investigation, making it inappropriate for a barrister to be appointed. The new investigation was named Abelard Two and is discussed in Chapter 8.

163. The Panel considers that the decision not to proceed with a review by an independent barrister was reasonable, because of the emerging evidence and the establishment of the Abelard Two Investigation.

164. As stated above, on 10 April 2006, the Deputy Chief Executive and Solicitor of the Metropolitan Police Authority, David Riddle, wrote to the solicitor for members of Daniel Morgan's family, enclosing a copy of the final version of the 2006 Report on a confidential basis. In this letter, he explained that the current investigation meant that '*the Report will not be submitted to any MPA* [Metropolitan Police Authority] *Committee until the MPS* [Metropolitan Police Service] *advise us that it would be appropriate to do so*'.[171]

165. The letter outlined the professional and personal views of DAC John Yates about corruption and the actions of DS Sidney Fillery; this is discussed in more detail in the Corruption chapter (see Chapter 10). It also sought views on '*how an apology from the MPS* [Metropolitan Police] *could most suitably be delivered*'. The letter referred to a forthcoming meeting with the Morgan family, to brief family members on the progress of the Abelard Two Investigation, and welcomed any comments regarding the 2006 Report at the meeting; this is discussed in the chapter on the Treatment of the Family (see Chapter 12).[172] The potential apology from the Metropolitan Police became a long-running issue; this is also discussed in more detail in Chapter 12.

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169 Panel interview with Len Duvall, PNL000252001, p3, para 15, 20 July 2017.
170 Panel interview with David Riddle, PNL000251001, p2, para 11, 13 June 2017.
171 Letter from David Riddle to Raju Bhatt, MPS094332001, pp6-7, 10 April 2006.
172 Letter from David Riddle to Raju Bhatt, MPS094332001, pp6-7, 10 April 2006.

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166. The 2006 Report did not reflect a substantial examination of the case papers which were available at the time. The Panel's analysis reveals a reliance on previous investigation or review reports to inform the content of the 2006 Report, rather than a robust examination of the primary investigation material. It is acknowledged that the time frame imposed by the Metropolitan Police Authority, but not challenged by the Metropolitan Police, was too short for the amount of work which would have been required for a full examination of all the primary material. The Metropolitan Police could have dedicated more resources to the task but did not do so. The Panel acknowledges that these events occurred in the aftermath of the bombings in London on 07 July 2005, a time during which the Metropolitan Police resources were stretched. However, the result was that the report did not contain information which would have been of relevance to the Terms of Reference for the report, and which would have enabled the Metropolitan Police to have provided a more comprehensive assessment of the lessons which could have been learned.

167. While the 2006 Report did assess previous investigations and reviews, it largely relied on the interpretations provided by those investigations of their own thoroughness when reaching its conclusions. This resulted in the repetition of past orthodoxy rather than generating any substantial new analysis or lessons learned. This was a missed opportunity, particularly given that the originally envisaged, second phase of an independent barrister reviewing the papers was not able to take place.

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Chapter 8: The Abelard Two Investigation

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1 Chronology of key events relating to the Abelard Two Investigation

- **December 2004** James Ward contacted the Metropolitan Police seeking to speak with an officer connected to the Daniel Morgan investigation.
- **13 January 2006** Following various meetings with James Ward, DCS David Cook provided an update to DAC John Yates proposing that James Ward should be debriefed under the new Serious Organised Crime and Police Act 2005.
- **09 February 2006** A meeting was held attended by Metropolitan Police officers and the Crown Prosecution Service. A strategy for a further investigation of Daniel Morgan's murder was agreed.

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- **March 2006** The Abelard Two Investigation began under the leadership of DCS David Cook.
- **22 May 2006** James Ward's debrief began.
- **12 July 2006** As part of the Abelard Two Investigation strategy, an article was published in *The Sun* newspaper regarding the re-investigation of Daniel Morgan's murder.
- **22 July 2006** Gary Eaton contacted *The Sun* news desk to provide information about the murder of Daniel Morgan.
- **26 July 2006** Abelard Two Investigation officers met Gary Eaton.
- **08 August 2006** Gary Eaton's debrief began.
- **09 August 2006** First recorded Oversight Group meeting was held.
- **27 October 2006** An article was published in *The Sun* newspaper about the finding of a 1957 Austin Healey car which had belonged to Daniel Morgan, including a substantial reward on offer regarding Daniel Morgan's murder.
- **13 November 2006** Person S15 came forward as a witness.
- **12 December 2006** James Ward's debrief concluded.
- **13 June 2007** The Abelard Two Investigation submitted a report to the Crown Prosecution Service seeking advice as to whether the suspects, Jonathan Rees, former DS Sidney Fillery, Glenn Vian, Garry Vian and James Cook, should face criminal charges in connection with the murder of Daniel Morgan.
- **07 December 2007** DCS David Cook retired as a police officer and joined the Serious Organised Crime Agency but continued to be regarded as the Senior Investigating Officer of the Abelard Two Investigation.
- **18 December 2007** Gary Eaton's debrief concluded.
- **15 April 2008** Counsel provided an advice deciding that there was enough evidence to charge the suspects.
- **21 April 2008** The suspects were arrested. Interviews were conducted until 23 April 2008.
- **22 April 2008** Person D6 came forward as a witness.
- **23 April 2008** Jonathan Rees, Glenn Vian, Garry Vian and James Cook were charged with the murder of Daniel Morgan. Former Ds Sidney Fillery was charged with perverting the course of justice.
- **July 2008** Pre-trial hearings began.
- **07 July 2008** Ninth and last recorded Oversight Group meeting was held.
- **30 June 2009** Person J5 agreed to provide evidence.
- **12 August 2009** Person J5's debrief began.

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- **26 October 2009** Person J5's debrief concluded.
- **15 February 2010** Mr Justice Maddison excluded Gary Eaton's evidence. Former DS Sidney Fillery was discharged.
- **18 October 2010** The Prosecution withdrew Person J5 as a witness.
- **18 November 2010** James Cook was formally acquitted of the murder of Daniel Morgan.
- **24 January 2011** The Prosecution withdrew James Ward as a witness.
- **11 March 2011** The Prosecution offered no evidence against Jonathan Rees, Glenn Vian and Garry Vian. They were acquitted. A prepared press statement was read to the media by DCS Hamish Campbell.
- **25 March 2011** Mr Justice Maddison handed down his judgment on Gary Eaton.
- **31 March 2011** A formal apology was made by the Acting Commissioner of the Metropolitan Police, Tim Godwin, to the family of Daniel Morgan.
- **September 2011** The Abelard Two Investigation was closed.

Officers of significance in the investigation, in order of rank

- Commander (ultimately Commissioner) Cressida Dick
- Deputy Assistant Commissioner (later Assistant Commissioner) John Yates
- Deputy Assistant Commissioner Janet Williams
- Commander Shaun Sawyer
- Commander Simon Foy
- Commander David Johnston
- Commander Stuart Osborne
- Commander David Armond
- Detective Chief Superintendent Hamish Campbell
- Detective Chief Superintendent David Cook
- Detective Chief Superintendent Andrew Murphy
- Detective Superintendent Roger Critchell
- Detective Superintendent Barry Phillips
- Detective Chief Inspector Neil Hibberd

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- Detective Chief Inspector Jamie Armstrong
- Detective Inspector (later Acting Detective Chief Inspector and then Temporary Detective Chief Inspector) Noel Beswick
- Detective Sergeant (later Detective Inspector) Douglas Clarke
- Detective Sergeant (later Detective Inspector) Anthony Moore
- Detective Sergeant (later Temporary Detective Inspector) Gary Dalby
- Detective Sergeant Peter Summers
- Detective Constable Caroline Linfoot
- Detective Constable Christopher Winks
- Detective Constable Nicholas Atherton
- Detective Constable Robert Groombridge

2 The formation of the Abelard Two investigation

2.1 Commissioning the investigation

1. The final investigation into Daniel Morgan's murder had its genesis in the emergence of a new witness who was prepared to give significant evidence to the police about the murder as an Assisting Offender[1] under the new Serious Organised Crime and Police Act 2005 (see paragraph 6 below).

2. In December 2004, DCS David Cook was informed by Commander David Armond that a prisoner, James Ward, then on remand charged with serious crimes, had made contact seeking to speak to someone connected to the investigation of Daniel Morgan's murder.[2] Various meetings occurred, there was ongoing discussion with Stuart Sampson of the Crown Prosecution Service (with whom DCS Cook had dealt previously, and whom he (DCS Cook) later suggested should be asked to work on the investigation),[3] and James Ward provided specific information to DCS Cook during the year which followed (see section 6.1 below). On 12 January 2006, DCS Cook met James Ward again, and on 13 January 2006 DCS Cook wrote to DAC John Yates, explaining that he had met James Ward the previous day, and proposing that he should be debriefed under the new legislation. Explaining some of the drawbacks, including the potential credibility of James Ward as a witness, he said:

- '*During the 2002 investigation Orlando Pownall stated we were not far from reaching a stage where he would consider prosecuting this case but what he needed was something substantial to hang everything else we have off of* [sic].

1 An offender who has offered to assist with the investigation or prosecution of offences committed by others and is subject to an agreement under the Serious Organised Crime and Police Act 2005.
2 EDN000088001, p1, December 2004 and Operation Yamuna Timeline of Events, MPS103059001, p2, December 2004.
3 Panel interview with former DCS David Cook, Transcript 3, pp16-17, 25 August 2020.

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- *This person not only provides us with the potential of doing that but also allows us, in line with this, to develop and introduce a new investigative strategy to gather evidence not in corroboration of what he could say, but in support of* [sic] *he could give. By this I mean a new technical attach* [sic] *on existing premises etc.*

- *This would be supported by the ongoing forensic review and the development of a new media strategy.*

- *This would be an excellent case for the MPS* [Metropolitan Police Service] *to make use of the new powers granted that now exist within the SOCA* [Serious Organised Crime Agency] *Bill that come into Force on the 1st of April (Copy attached). This legislation is retrospective and, subject to the agreement of the CPS* [Crown Prosecution Service], *would allow the MPS to make ground breaking headway in this difficult case using legislation designed for this purpose.'*[4]

3. A meeting was held on 09 February 2006, attended by DAC John Yates, DCS David Cook, DCS Steve Gwillam from the Directorate of Professional Standards, Stuart Sampson from the Crown Prosecution Service, and other police officers, to discuss a strategy for a further investigation of Daniel Morgan's murder, the Abelard Two Investigation.[5] It was decided that the Specialist Crime Directorate should take the lead in the murder enquiry, supported by the Directorate of Professional Standards; that DCS Cook, who had previously been responsible for the conduct of the overt side of the Abelard One/Morgan Two Investigation, was to be the Senior Investigating Officer '*in agreement with the Crown Prosecution Service*'; and that witness protection matters were to be dealt with by the Directorate of Professional Standards Witness Protection Unit.[6]

4. Although he had been appointed as Senior Investigating Officer, DCS David Cook worked on full-time secondment away from the Metropolitan Police from the beginning of the Abelard Two Investigation until his retirement on 07 December 2007.[7] The Panel has seen records which show that the agencies to which he was seconded and for which he worked full-time, were charged by the Metropolitan Police for his full salary and other costs until 31 October 2007.

5. The Abelard Two Investigation was stated to be '*the reinvestigation into the murder of Daniel MORGAN, who was killed with an axe in the car park of The Golden Lion public house, in Sydenham Road SE26, on 10/03/1987*'.[8] The HOLMES computer account for the investigation was opened on 31 March 2006.[9]

6. New evidence was required to enable any prosecution. The investigation was extensive and included:

i. the separate process of debriefing Assisting Offenders as witnesses using the procedures prescribed in the Serious Organised Crime and Police Act 2005;[10]

4 Memorandum from DCS David Cook to DAC John Yates re James Ward and the potential to debrief him and launch a new investigation into the murder of Daniel Morgan, MPS109608001, p2, 13 January 2006.
5 Operation Abelard Strategy meeting regarding the death of Daniel Morgan, MPS072217001, p2, 09 February 2006.
6 Operation Abelard Strategy meeting regarding the death of Daniel Morgan, MPS072217001, p2, 09 February 2006.
7 Emails re DCS David Cook retirement, work at Serious Organised Crime Agency/Metropolitan Police SIO and the agreement reached between parties, MPS109657001, pp12-13, 17 December 2007. He was seconded first to HM Customs and Excise, later to HM Revenue & Customs when HM Inland Revenue and HM Customs and Excise were merged on 18 April 2005, and later to the Serious Organised Crime Agency when it assumed the investigative and intelligence sections of HM Revenue & Customs on 01 October 2006.
8 Index Policy File, MPS071795001, p2, 31 March 2006.
9 Index Policy File, MPS071795001, p2, 31 March 2006.
10 The Serious Organised Crime and Police Act 2005 codified the process of debriefing Assisting Offenders.

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ii. following up lines of enquiry revealed during that process;

iii. a review of forensic evidence and the commissioning of further forensic testing;

iv. examination of previous lines of enquiry (it was not until 20 April 2006 that, security locks having been fitted to the investigation's rooms to ensure no unauthorised entry, they were able to start opening the boxes of material from previous investigations)[11] and subsequent investigation with a view to securing further evidence;

v. the deployment of covert listening equipment; and

vi. the generation of a media strategy to encourage new witnesses (DCS David Cook was responsible for the investigation's media strategy).[12]

7. These investigative activities ran in parallel and ultimately led to five arrests on 21 April 2008.[13] Jonathan Rees, Glenn Vian, Garry Vian and James Cook were charged with the murder of Daniel Morgan on 23 April 2008.[14] Former DS Sidney Fillery was charged, on the same day, with perverting the course of justice.[15]

8. On 15 February 2010, the prosecution of former DS Sidney Fillery was stayed by Mr Justice Maddison,[16] and former DS Fillery was formally acquitted of the charge of perverting the course of justice.[17] On 18 November 2010, the prosecution of James Cook was discontinued by the Crown Prosecution Service and he was formally acquitted.[18] On 11 March 2011, the prosecutions of Jonathan Rees, Garry Vian and Glenn Vian were discontinued by the Crown Prosecution Service. They were formally acquitted of the murder of Daniel Morgan.[19]

2.2 The management of the investigation

9. The material available to the Panel demonstrates significant confusion about the management arrangements for this investigation. There continues to be a lack of clarity about who was, and who was perceived to be, the Senior Investigating Officer throughout the investigation and to whom that officer reported.

10. DCS David Cook was appointed as the Senior Investigating Officer to act as '*the leader of the team, provide investigative focus, coordinate and motivate the team, and to be accountable for every facet of the enquiry, whilst managing a whole host of specialist resources to maximum effect*'.[20] However, at that time he was seconded to another organisation, the Serious Organised Crime Agency.

11 Minutes of office meetings, MPS071803001, p1, 20 April 2006.
12 Minutes of office meetings, MPS071803001, p8, 31 May 2006.
13 Witness statement of a Detective Constable, MPS000349001, pp1-8, 28 April 2008.
14 Defendant's custody file, MPS108229001, pp49-55, 23 April 2008.
15 Defendant's custody file, MPS108229001, p52, 23 April 2008.
16 Extract from transcript of discussion between Mr Justice Maddison and counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, p4, 15 February 2010.
17 Extract from transcript of discussion between Mr Justice Maddison and counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, p7, 15 February 2010.
18 Other Document D326, Three Documents: Closing Report for Operation Abelard II, by Gary Dalby, 16 September 2011; CPS Case summary, by Jonathan Rees QC, 27 August 2008; Ruling of Mr Justice Maddison, MPS109597001, p6, 16 September 2011.
19 Final Hearing Transcript of R v Rees and Others, MPS107449001, p33, 11 March 2011.
20 The Guidance on Major Incident Room Standardised Administrative Procedures (MIRSAP) ACPO Centrex 2005, p18, section 1.2, quoting the ACPO (forthcoming) Murder Investigation Manual.

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11. During an interview with the Panel, former DCS David Cook said that he did not '*remember whether I volunteered or was volunteered, but I ended up becoming the SIO on Abelard*'. He said that '*I had difficulty finding a deputy SIO. The first couple that I approached, once they found out what the job was, did what I should've done and that was run a mile, you know*.'[21]

12. However, DCS David Cook recorded a decision, dated 22 March 2006, appointing DI Noel Beswick as Deputy Senior Investigating Officer with '*the right to make decisions without reference to myself in respect of this investigation*'. DCS Cook's reason for this decision was as follows:

> *'As DCS I have other responsibilities which include working for law enforcement agencies other than the MPS. This investigation will be a dynamic process requiring decisions on a daily and personal basis, and I will not always be available. I have appointed DI Beswick as ADCI* [Acting Detective Chief Inspector] *as his responsibilities are to be that of a MIT* [Murder Investigation Team] *team manager on a daily basis, he is experienced in the SIO* [Senior Investigating Officer] *role having performed such duties for the previous year. I will maintain overall responsibility for the investigation.'*[22]

13. In reality, much of the work of the Senior Investigating Officer was undertaken by A/DCI (later T/DCI)[23] Noel Beswick.

14. Former T/DCI Noel Beswick told the Panel that until 07 December 2007, the date that DCS David Cook retired from the Metropolitan Police, DCS Cook:

> *'was 4 days a week SOCA* [Serious Organised Crime Agency] *one day MPS* [Metropolitan Police Service]*, but the MPS hours were a few each day of the working week not a particular day. We all worked long hours but Dave Cook particularly so. He was often in the Abelard office at 6 am for an hour or so. Then he would go across the road to SOCA. It was not unusual for him to pop back over during the day or late afternoon. After he retired and became full time SOCA his attendance pattern didn't change, or at least I don't recall any change. His title changed from SIO to Consultant SIO, I continued to manage the team on a daily basis, I was free to make decisions but in fairness I would discuss any major issues with Dave Cook too. After Dave Cook retired my line manager was DCS Hamish Campbell* […] *I did not attend all the oversight meetings but when I did I would provide an operational update, and raise any current issues of concern.'* [24]

15. The arrangements under which DCS David Cook conducted the Abelard Two Investigation were therefore complex, because of his full-time secondments, followed by full-time employment by the Serious Organised Crime Agency from 07 December 2007.[25]

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21 Panel interview with former DCS David Cook, Transcript 2, p7, 25 August 2020.
22 Decision 2, Decision log by DCS David Cook, MPS080576001, p1, 22 March 2006.
23 A/DCI is Acting Detective Chief Inspector: this is intended to be a short-term arrangement, usually covering for the absence of the substantive post holder. T/DCI is Temporary Detective Chief Inspector: this is intended to be a medium- to long-term arrangement and is paid from the outset. It gives some degree of stability, without giving the post-holder the substantive rank.
24 Email from former T/DCI Noel Beswick to DMIP, 13 October 2016.
25 The National Crime Agency absorbed the responsibilities of the Serious Organised Crime Agency on 07 October 2013. Available online at: https://www.gov.uk/government/organisations/serious-organised-crime-agency.

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16. The arrangements for former DCS David Cook's ongoing involvement in the Abelard Two Investigation, following his retirement from the Metropolitan Police, were agreed by AC John Yates with David Bolt of the Serious Organised Crime Agency on 13 December 2007 as follows:

> *'David Cook will continue to support the ongoing investigation and if the decision is made, prosecution of the offenders.*
>
> ***His role will be defined as follows*** [bold in original]*:*
>
> - *Provide continuity to the ongoing investigation in terms of corporate knowledge and experience he has gained through the role of SIO with the investigation over the years.*
> - *Continue to act as the principle* [sic] *liaison with the Morgan family and in this role he will have the support of Family Liaison Officers within the investigative team.*
> - *Support T/DCI Noel Beswick in the development of the continuing investigation, prosecution and disclosure strategy and to offer advice and guidance on critical issues.*
> - *Attend CPS* [Crown Prosecution Service] *meetings and Counsel Case conferences in pursuance of the prosecution of the offenders.*
> - *Attend Oversight and Metropolitan Police Authority Meetings to provide an update on progress or critical issues.*
> - *Act as the Liaison Officer between SOCA* [Serious Organised Crime Agency] *and the MPS* [Metropolitan Police Service] *on any items of connected interest relating to Operation Abelard.*
> - *To attend Court and give evidence in respect of his role in the prosecution of the offenders.'*[26]

17. The agreement stated: '***Specifically his role does not involve any staff oversight, supervision or management responsibilities, although I expect him to refer to me, as the overseer, any matters he feels are of concern*** [bold in original].'[27]

18. The material available indicates, therefore, that because AC John Yates limited former DCS David Cook's involvement by excluding any managerial or supervisory function, he was incapable of being the Senior Investigating Officer for the Abelard Two Investigation after his retirement, since he did not have the management or supervisory powers which are an essential part of the conduct of an efficient, well-resourced, accountable investigation by a Senior Investigating Officer.[28]

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26 Emails re DCS David Cook retirement, work at SOCA/Metropolitan Police SIO and the agreement reached between parties, MPS109657001, pp12-13, 13 December 2007.

27 Emails re DCS David Cook retirement, work at SOCA/Metropolitan Police SIO and the agreement reached between parties, MPS109657001, p13, 13 December 2007.

28 Guidance on Major Incident Room Standardised Administrative Procedures (MIRSAP) 2005, pp18-19, s 1.2.

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19. When asked about these arrangements by the Panel, former DCS David Cook said that he divided his time between two locations, the Serious Organised Crime Agency and the Abelard Two Investigation: he worked at the Abelard Two Investigation when he had finished his day's work at the Serious Organised Crime Agency. Former DCS Cook said that he was not paid for the work he did for the Metropolitan Police, and that he was, in effect, an unpaid consultant Senior Investigating Officer. He said that on one occasion, in 2009, he got a £5,000 honorarium but he did not receive anything else. He felt that he could not walk away from the Daniel Morgan murder because it was so important to the family that it be solved.[29] During this period, DCS Cook was paid by his employer, the Serious Organised Crime Agency. His expenses were met by the Metropolitan Police.

20. The reasons given by AC John Yates for former DCS David Cook's continuing involvement in the investigation after he had left the employment of the Metropolitan Police were as follows:

> *'His role within Operation Abelard has been critical in that he has the direct relationship with the close family of Daniel Morgan and, over the years has built up their trust. Additionally he is an important part of the corporate memory of the investigation and was responsible for the development of the Investigative Strategy and the recruitment of key witnesses which have allowed the investigation to reach the stage it is at.'*[30]

21. Former AC John Yates told the Panel, '[i]*t was not how you would have designed it, but the family trusted David Cook and it would have taken a year plus to bring a new SIO* [Senior Investigating Officer] *up to speed*'.[31] He also told the Panel in November 2020 that, '[a]*s a minimum, SIOs at DCI level would be expected to run 5 separate murder enquiries simultaneously. Commonly, SIOs have responsibility for more than 10 investigations at any one time*.'

22. There was a lack of understanding of the actual status of former DCS David Cook from 07 December 2007. Even though he did not have the responsibilities of a Senior Investigating Officer, he continued to be referred to, and to refer to himself, as the Senior Investigating Officer.[32] Some Metropolitan Police officers close to the investigation, including T/DCI Noel Beswick, thought that DCS Cook remained as Senior Investigating Officer until the end of the investigation.[33] DS Gary Dalby, in an undated statement to the Independent Police Complaints Commission, said that he understood that DCS Cook would continue to be Senior Investigating Officer after his retirement from the Metropolitan Police until the end of the trial.[34] Former DCS Cook has continued to say that he had '*conduct*' of the Abelard Two Investigation.[35] He also told the Panel during interview that, after his retirement, '*politics*' within the Metropolitan Police forced him to intervene to '*keep the politics as much as possible away from Noel BESWICK and the team*'.[36]

23. By 27 August 2009, some investigation documents referred to T/DCI Noel Beswick as the Senior Investigating Officer.[37] On 15 January 2010, in an email explaining that he was about to introduce a new management structure '*around the mechanics and process of Abelard*',

29 Panel interview with former DCS David Cook, p8, para 40, 04 June 2015.
30 Agreement reached between the Metropolitan Police and Serious Organised Crime Agency, MPS109657001, p12, 13 December 2007.
31 Panel interview with DAC John Yates, p2, para 9, 30 August 2016.
32 Statement of former DCS David Cook, MPS078478001, p1, 04 November 2009.
33 Former T/DCI Noel Beswick statement, MPS109748001, p9, paras 35-37, 20 October 2016.
34 Statement of DS Gary Dalby to the Independent Office for Police Conduct, MPS1097130001, p33, undated.
35 Statement of former DCS David Cook, MPS000459001, p1, 21 April 2009; Statement of former DCS David Cook, MPS003505001, p1, 20 July 2009; Statement of former DCS David Cook, MPS000540001, p1, 23 September 2009.
36 Panel interview with former DCS David Cook, Transcript 2, p11, 25 August 2020.
37 Index Policy File, MPS071795001, pp25-37, 31 March 2006.

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Commander Simon Foy described T/DCI Noel Beswick as '*the SIO and responsible for the day to day running of the investigation*'.[38] In contrast to his earlier statements that former DCS Cook had continued to act as Senior Investigating Officer, former T/DCI Noel Beswick said, when interviewed by the Panel on 11 December 2018, that '[w]*hen Dave Cook retired from the MPS* [Metropolitan Police Service] *I became the SIO, and he became the consultant SIO*'.[39]

24. Records confirm that, as former T/DCI Noel Beswick has told the Panel, both before and after DCS David Cook's retirement, T/DCI Beswick dealt with day-to-day, hands-on management. DCS Cook dealt with the Metropolitan Police management, finances, resources and the media until his retirement.[40] There is no clear record of who was responsible for these issues after DCS Cook retired from the Metropolitan Police.

25. Analysis of the material available shows that there were 45 '*Office Meetings*' between 20 April 2006 and 19 October 2010.[41] These 45 '*Office Meetings*' included '*Office Action Meetings*' at which there was reporting back on elements of the investigation conducted by members of the Abelard Two Investigation. Those meetings recorded the progress and operational strategy for the investigation in detail.[42] The last occasion on which former DCS David Cook was recorded as having attended such a meeting was 26 October 2009.[43] Available records show that he attended some 27 per cent of the '*Office Meetings*'. DCS Cook is recorded as having attended all the Gold Group/Oversight Group meetings for which minutes are available. Of 119 sensitive decisions made during the period between January 2009 and March 2011, only one was made by former DCS Cook.[44] This was on 08 February 2010.[45]

26. It is evident that there was confusion about who was responsible for the Abelard Two Investigation. While it is normal for Senior Investigating Officers to have the conduct of more than one major investigation at any one time, the material shows that DCS David Cook was not available to the Abelard Two Investigation as he should have been because of his other responsibilities and employment. Despite this, it is also evident that the family of Daniel Morgan understood throughout that DCS Cook was the Senior Investigating Officer, and that they were unaware that from December 2007 he had no management powers or responsibilities. This should not have been allowed to happen.

27. T/DCI Noel Beswick retired from the Metropolitan Police in April 2013. As stated above, he was DCS David Cook's Deputy Senior Investigating Officer, and told the Panel in an interview that he reported to DCS Cook even after DCS Cook's retirement from the Metropolitan Police.[46] He also told the Panel that after DCS Cook's retirement, DCS Hamish Campbell was also a person he could go to as he was his '*Unit Commander*', saying that they met '[n]*ot often, not*

38 Email from Commander Simon Foy to T/DCI Noel Beswick and others, EDN000782001, p1, 15 January 2010.
39 Panel interview with former T/DCI Noel Beswick, p1, 11 December 2018.
40 Panel interview with former T/DCI Noel Beswick, p1, 11 December 2018.
41 Minutes of office meetings, MPS071803001, pp1-134, various dates.
42 Minutes of office meetings, MPS071803001, pp1-134, various dates.
43 Minutes of office meetings, MPS071803001, p114, 26 October 2009.
44 A document was created on the Abelard Two HOLMES computer which recorded '*sensitive*' decisions. Sensitive decisions involved issues concerning the use of informants and operational police tactics which could be the subject of public interest immunity applications at court by the police for them to be excluded from hearings.
45 The sensitive decision recorded as having been made by former DCS David Cook was decision number 169, MPS080481001, p1, 08 February 2010.
46 Panel interview with former T/DCI Noel Beswick, p2, 11 December 2018.

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regularly, on a need must basis'.[47] He said that '*Hamish CAMPBELL got more involved after Dave* COOK *retired*'.[48] Despite this, he appears to have continued to regard former DCS Cook as the Senior Investigating Officer. Former T/DCI Beswick said he had been at meetings chaired by DAC, later AC, John Yates, and that he had had reasonable contact with Commander Simon Foy: '*It was a short chain of command.*'[49] He said that '*Simon Foy* [...] *was like John Yates' Silver*'.[50] (The reference to '*Silver*' indicates that Commander Foy was second in command, reporting to AC Yates as Gold Commander.) Commander Foy, writing in January 2010, referred to '*the normal line management/resource and even investigative support and direction that is in place between Noel as the SIO and Hamish C* [Campbell] *– as per normal SCD1 arrangements*'.[51]

28. The situation was further complicated by the fact that the normal reporting structures did not apply to DCS David Cook. Unusually, though not uniquely, DCS Cook reported directly to DAC John Yates from the very beginning of the investigation, rather than to Commander David Johnston and later to Commander Simon Foy, who were both heads of the Homicide and Serious Crime Command, to whom Senior Investigating Officers responsible for murder investigations normally reported. As a result of this, Commander Johnston was initially unaware of the investigation (see Section 3.1 below) and did not have full operational control of it, as would have been standard. Operational control remained with DAC, later AC, John Yates throughout, even though, as Assistant Commissioner Operational Services, he had responsibility for the Directorate of Professional Standards and, from 2009, for Counter-Terrorism. Despite this wide range of responsibilities, former AC Yates told the Panel that he '*retain*[ed] *the lead for Abelard II as by that stage it had entered the critical pre-trial proceedings*'.[52]

29. In an interview with the Panel, former AC John Yates said that DCS David Cook had direct access to him every two weeks or in an operational emergency, whenever necessary. Sometimes the contact was every three or four weeks, depending upon the circumstances. Contact tended to be on a needs basis, often in relation to family issues, pressing Court or Counsel issues, or resourcing.[53]

30. No record was available to the Panel of the meetings which occurred between DCS David Cook and DAC/AC John Yates, in relation to the conduct of the Abelard Two Investigation.

31. The Panel asked former DCS David Cook about his contact with DAC/AC John Yates. Former DCS Cook said that it varied: sometimes there was a need to meet him, and he did. On other occasions, DAC/AC Yates was busy and former DCS Cook was only able to meet him every month or '*couple of months*'. Former DCS Cook explained that when DAC Yates became Assistant Commissioner it was more difficult to meet him and that, on a number of occasions, he had been unable to get access to AC Yates. When asked whether he was able to telephone AC Yates, former DCS Cook said that he wasn't because AC Yates was a busy man. He explained that '*largely, you just got on and deal*[t] *with the challenges you have*'.[54]

32. Stuart Sampson of the Crown Prosecution Service told the Panel that the question of whether DCS David Cook could carry out both his role with the Serious Organised Crime Agency and his role as Senior Investigating Officer of the Abelard Two Investigation at the same

47 Panel interview with former T/DCI Noel Beswick, p2, 11 December 2018.
48 Panel interview with former T/DCI Noel Beswick, p2, 11 December 2018.
49 Panel interview with former T/DCI Noel Beswick, p2, 11 December 2018.
50 A reference to the Gold, Silver, Bronze command structure introduced to deal with major incidents.
51 Email from Commander Simon Foy to former T/DCI Noel Beswick and others, EDN000782001, p1, 15 January 2010.
52 Panel interview with former AC John Yates, Notes of Meeting, pp4-5, para 19, 30 August 2016.
53 Panel interview with former AC John Yates, p7, para 31, 30 August 2016.
54 Panel interview with former DCS David Cook, Transcript 2, p10, 25 August 2020.

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time, was raised at an early stage with DCS Cook by AC John Yates. Stuart Sampson was present at a meeting with AC Yates and DCS Cook at which this was discussed. DCS Cook was adamant that he could do so. Stuart Sampson commented that '[w]*ith hindsight he clearly wasn't able to do so*.' Stuart Sampson also said that, at a later stage, about the time that DCS Cook was giving evidence at the pre-trial hearing, there was a meeting attended by Stuart Sampson with Commander David Armond, and he got the impression that there were tensions, '*but it was not something for him to get involved with unless it affected or was likely to affect the prosecution*'. DCS Cook had assured Stuart Sampson that he could cope but '[l]*atterly, the case was not handled well*'.[55]

33. The Panel sought to clarify individual management responsibilities during the Abelard Two Investigation. When asked who was responsible for the investigation, AC Martin Hewitt, who had responsibility for the Metropolitan Police response to the Panel, said that:

1. *'DCS David Cook was appointed as SIO on 9th February 2006.*
2. *DCS Cook reported to Assistant Commissioner John Yates. AC John Yates was Gold Commander for the investigation. Commander Dave Johnson* [sic] *and DCS Hamish Campbell had oversight of the investigation.*
3. *DCS Cook's position as SIO continued after his retirement from the MPS in 2007 when he began work with SOCA* [Serious Organised Crime Agency]. *An agreement was made directly between AC John Yates and David Bolt (The Director General of SOCA) that DCS David Cook would devote a proportion of his working week to Operation Abelard II. DCI Noel Beswick was the nominated deputy SIO and DCS David Cook was retained as the SIO/ Strategic advisor to DCI Noel Beswick with support from DCS Hamish Campbell and Commander Simon FOY.*
4. *No other officers were formally appointed as the SIO of Operation Abelard II following DCS David Cooks* [sic] *retirement from the MPS* [Metropolitan Police Service].
5. *Between 2007 and 2011, AC John Yates had immediate oversight of the Operation Abelard II investigation.*
6. *AC John Yates remained the ACPO* [Association of Chief Police Officers] *ranking officer over the course of the Operation Abelard II.'*[56]

34. However, the '*Role Profile*' agreed between the Metropolitan Police and the Serious Organised Crime Agency did not refer to DCS David Cook as the '*SIO/Strategic Adviser*' but rather as supporting T/DCI Noel Beswick.[57] Thus, the description provided by AC Martin Hewitt of DCS Cook's role (see paragraph 33 above), and the non-appointment of a Senior Investigating Officer after DCS Cook's retirement, is not supported by the documentation available to the Panel.

55 Panel interview with Stuart Sampson, PNL000184001, pp1-2, 06 February 2020.
56 Letter to Baroness Nuala O'Loan from AC Martin Hewitt re DCS David Cook and attached email 20 September 2016, MPS109660001, p1, undated.
57 Emails re DCS David Cook retirement, work at Serious Organised Crime Agency /MPS SIO and the agreement reached between parties, MPS109657001, p12, 1 November 2007.

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35. The most recent statement from the Metropolitan Police about former DCS David Cook's role in the Abelard Two Investigation is contained in a report to the Crown Prosecution Service in June 2019. It records that DCS Cook '*continued to act on behalf of the MPS* [Metropolitan Police Service] *in his role as Senior Investigating Officer (SIO) for the investigation.* […] *Mr Cook's dual function came to an end in March 2011*[...].'[58] This statement is factually incorrect.

36. It is clear from the material available that the line management arrangements were both confused and irregular throughout most of the Abelard Two Investigation. DCS David Cook was seconded and working full-time for the Serious Organised Crime Agency in February 2006. It was inappropriate for DAC John Yates and the Metropolitan Police to appoint him as Senior Investigating Officer at the beginning of the Abelard Two Investigation. A new Senior Investigating Officer should have been appointed after DCS Cook's retirement in December 2007. The evidence shows that although the Metropolitan Police maintained DCS Cook as Senior Investigating Officer when he was in full-time employment elsewhere, his functions had been specifically restricted, so that he was unable to fulfil the role of Senior Investigating Officer. A/DCI (later T/DCI) Noel Beswick was never appointed as the Senior Investigating Officer and did not describe himself as such at the time.

37. AC Martin Hewitt was incorrect when he described Commander David Johnston and DCS Hamish Campbell as having responsibility for oversight of the investigation. That responsibility lay with AC John Yates as acknowledged by Commander Simon Foy, who played an active role from January 2010. DCS Campbell became involved in August 2009 as T/DCI Noel Beswick's line manager. Commander Foy and DCS Campbell were somewhat limited in their involvement by AC Yates' determination to remain in control.

38. Since DAC, later AC, John Yates had, unusually, acted as line manager for DCS David Cook, he should have ensured that problems did not result from this departure from the normal reporting arrangements. This was not a professional, proper way to manage the murder investigation. Had DCS Cook reported, as normal, to the Commander of the Homicide and Serious Crime Command, there would have been clarity as to who was responsible for supporting and directing the investigation at chief officer level. Clarity as to who has responsibility for managing any investigation is essential.

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58 MG3 Report to the CPS, EDN002248001, pp2-3, para 8, June 2019.

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39. It is acknowledged that DCS David Cook '*felt that he could not walk away from the Daniel Morgan murder because it was so important to the family that it be solved*'.[59] However, this did not justify the exceptional arrangements which were made in this case. Since the line management arrangements were not of DCS Cook's making, but were put in place by DAC John Yates, the responsibility lay with DAC Yates, who should have ensured proper reporting arrangements. The exceptional management arrangements that were applied during the Abelard Two Investigation caused many of the problems which arose and are explained later in this chapter.

40. The Panel has examined the evidence available about the pressure created by DCS David Cook's dual roles and its impact on A/DCI (later T/DCI) Noel Beswick. The Panel has noted above (see paragraph 25) that DCS Cook attended only 27 per cent of the office meetings for the Daniel Morgan investigation held between April 2006 and October 2010. On one occasion, he made representation to Commander Simon Foy about the problems faced by T/DCI Beswick and the pressure under which he was operating.[60]

41. Former Commander Simon Foy told the Panel that, in October 2009, there were concerns about T/DCI Noel Beswick's workload, and that he and DCS Hamish Campbell discussed the matter. He said that the pressure resulting from disclosure problems (see section 11.7 below) was overwhelming and, '[w]*e also needed to think about how we would stop Noel BESWICK from "falling over" and as he was becoming unsure of his status as an Acting DCI – and concerned about what his future career profile might look like*'.[61] He said that T/DCI Beswick '*was struggling with having to shoulder responsibility and the fact that they could have taken his temporary rank away from him. I tried to assist and reassure him*.'[62]

RECOMMENDATION

42. It is recommended that the Metropolitan Police introduce systems to ensure that the management arrangements which applied during the Abelard Two Investigation can never be replicated in any future investigation, and that proper management arrangements, in compliance with the Association of Chief Police Officers' Murder Manual, exist on all occasions.

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59 Panel interview with former DCS David Cook, p8, para 40, 04 June 2015.
60 Email/Note from former DCS David Cook to Commander Simon Foy, MPS109586001, pp8 and 14-15, 29 and 30 June 2010.
61 Panel interview with former Commander Simon Foy, p4, 26 November 2019.
62 Panel interview with former Commander Simon Foy, p5, 26 November 2019.

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2.3 Resources for the investigation: staffing, accommodation and administration

2.3.1 Staffing

43. Former T/DCI Noel Beswick told the Panel in interview that, although the investigation got the numbers of staff '*argued*' for, and had some very good people, there was a shortage of staff for the Major Incident Room, and they were unable to fill all the roles required.[63] He said that '[i]*n the MPS* [Metropolitan Police Service] *their MIRs* [Major Incident Rooms] *are very rarely staffed as per MIRSAP* [Major Incident Room Standardised Administrative Procedures]'.[64]

44. In normal circumstances, staffing and resource issues should have been referred to DCS David Cook's line manager, who should, as stated above, have been the Commander of the Homicide and Serious Crime Command. This did not happen. Although there is some evidence of involvement of the Homicide and Serious Crime Command addressing resource issues,[65] funding and cost issues were initially dealt with by various departments of the Metropolitan Police.[66,67]

45. The Abelard Two Investigation required extensive resourcing for activities such as:

i. the investigation of the murder of Daniel Morgan and the investigation of matters arising during the debriefing of witnesses under the Serious Organised Crime and Police Act 2005;

ii. surveillance activities and the review of covert evidence;

iii. the debriefing of witnesses under the Serious Organised Crime and Police Act 2005; and

iv. the protection of witnesses being debriefed under the Serious Organised Crime and Police Act 2005.

46. It was clear from the investigative strategy (see below, paragraph 143) that the investigation would require significant resources, particularly because of the process of debriefing witnesses under the Serious Organised Crime and Police Act 2005, which required separate accommodation and staffing, and the subsequent requirement to investigate matters disclosed by such witnesses (see section 4.1 below). An Oversight Group (see section 3 below) was established which was responsible for, among other things, monitoring and approving the necessary resources. It was stated in a minute of a meeting of the Oversight Group on 09 August 2006 that the Homicide and Serious Crime Command was responsible for resourcing the investigation.[68]

47. Examination of the resource issues encountered during the investigation show that, not unusually, they were an ongoing concern. In an email to Alastair Morgan, dated 08 October 2011, former DCS David Cook stated, '*when I took this on again in 2006, the only person who fully supported it was John YATES but we had to scrimp and scrape about for resources all*

63 Panel interview with former T/DCI Noel Beswick, p3, 11 December 2018.
64 Panel interview with former T/DCI Noel Beswick, p3, 11 December 2018.
65 Minutes of Operation Abelard Oversight Group meeting, MPS094332001, p11, item 9, 04 September 2006. DCS Andrew Murphy is reported as having requested further resources for Op Abelard. DCS Andrew Murphy reported to Commander David Johnston.
66 Communication Abelard II team, MPS109471001, p9, 23 January 2007.
67 Communication Abelard II team, email, MPS109471001, p36, 05 June 2007.
68 Minutes of Operation Abelard Oversight Group meeting, MPS109471001, p39, 09 August 2006.

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the time[.] *Whilst John would say it would happen, the minute you left the office then those that should have made it never made it easy.*'[69] Former DCS Cook told the panel in interview that, '[t]*he Metropolitan Police was not a bottomless pit of resources and even when I ran the Homicide Command, when we had a plethora of homicides coming in, as did my colleagues in other commands, you just have to juggle your resources and make best use of it then. And Abelard was no different*.'[70]

48. It is accepted that there may be unavoidable constraints on the resources and arrangements for any criminal investigation. These matters were the responsibility of the Senior Investigating Officer. The absence of the normal reporting arrangements by the Senior Investigating Officer to the Commander of Homicide and Serious Crime Command meant there was no regular route through which such matters could be addressed.

2.3.2 Accommodation

49. Former AC John Yates told the Panel in interview that '*the accommodation for the investigation was not ideal but adequate* [*…*]'.[71]

50. An officer who served on the Abelard Two Investigation contacted the Panel to talk about his experiences on the investigation. He said that the Metropolitan Police did not show sufficient commitment in providing for the Abelard Two Investigation, which initially had inadequate accommodation, furniture, IT equipment, and security provision.[72] However, the Deputy Senior Investigating Officer, former T/DCI Noel Beswick, when asked about this during his interview with the Panel, denied that there was a problem saying that '[t]*he computers* [he] *obtained were from storage at NSY* [New Scotland Yard]*. They were spare computers held by systems admin, it was a huge time saver for* [him] *to obtain these machines rather than lengthy requisition processes.*'[73] He also said, '[w]*e were quite well provided for. The HOLMES side of things was the least well provided for*.' In general, he said, '[t]*here was a shortage of staff, the MPS* [Metropolitan Police Service] *had had to downsize for a number of years and MIRs* [Major Incident Rooms] *always suffered from not having enough trained staff. Sometimes staff were needed more elsewhere*.'[74]

2.3.3 Administration

51. The Abelard Two Investigation was managed using the HOLMES[75] computer system. It was recorded in the Indexing Policy File that the investigation would be staffed in accordance with guidance in operation at the time[76] and that users must be trained to appropriate levels to fulfil the roles.[77] This did not happen.

69 Email David Cook to Alastair Morgan 08 September 2011.
70 Panel interview of former DCS David Cook, Transcript 5, p2, 26 August 2020.
71 Panel interview with AC John Yates, p6, para 24, 30 August 2016.
72 Panel interview with former DS Danny Dwyer, p3, 22 July 2015.
73 Panel interview with former T/DCI Noel Beswick, p3, 11 December 2018.
74 Panel interview with former T/DCI Noel Beswick, p3, 11 December 2018.
75 Home Office Large Major Enquiry System.
76 Guidance in operation at the time was MIRSAP (Major Incident Room Standardised Administrative Procedures.
77 Index Policy File, MPS071795001, p2, 31 March 2006.

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52. When interviewed by the Panel, former T/DCI Noel Beswick said that at the beginning of the enquiry, the Office Manager was the only officer trained in the use of the HOLMES system.[78] The following was recorded in the Indexing Policy File:

> *'As this is a confidential enquiry at present with a total staff of 6, and to maintain this confidentiality, DS Peter SUMMERS will undertake the majority of the MIR* [Major Incident Room] *tasks, overseen by A/DCI BESWICK. Thus, the MIR staffing levels at the beginning of this document will not be filled as per usual.'*[79]

53. DS Peter Summers, while assisted on occasion by several officers, performed the roles of Receiver, Action Manager, Office Manager and at times Research Officer and Indexer. There was no dedicated Statement or Document Reader until the appointment of a Detective Constable as the new Receiver in May 2006.[80]

54. In addition to DS Peter Summers' Major Incident Room duties, examination of the HOLMES system shows that he was allocated 117 investigative actions during the life of the enquiry. This must inevitably have limited the extent to which he was able to fulfil his various duties on the HOLMES computer system during the investigation and must have reduced the amount of quality assurance of the investigative work which he did. For example, he was tasked to secure evidence about the relationships of Margaret Harrison with Jonathan Rees and with Daniel Morgan,[81] as jealousy about Daniel Morgan's continuing relationship with Margaret Harrison was thought to have been a motive for Jonathan Rees to murder his business partner. DS Summers performed the roles of Indexer, Action Allocator, Researcher/Investigator, Receiver, Statement Reader and Office Manager in relation to this action. Three major pieces of information, relating to the relationship between Jonathan Rees and Margaret Harrison, which were available in the files were not identified by DS Summers.[82] The only people who could have checked his work were the Senior Investigating Officer or his deputy. This did not happen. Had the information been identified, it would have added to the circumstantial case against Jonathan Rees and would have provided more scope for questions during his subsequent interviews.

55. No full-time administrator was appointed to carry out tasks such as managing overtime returns, requisition of vehicles and equipment, security of the investigation, and the booking of accommodation for enquiry officers. The Abelard Two Investigation did not record 'Officers' Reports' on their HOLMES account, instead mainly recording reports submitted by detectives as 'Other Documents'.[83]

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78 Panel interview with former T/DCI Noel Beswick, p3, 11 December 2018.
79 Index Policy File, MPS071795001, p12, 31 March 2006.
80 Index Policy File, MPS071795001, p13, 31 March 2006.
81 Action A100 to research and schedule all actions results and evidence known to this enquiry about the three-way affair of Margaret Harrison, William Jonathan Rees and Daniel Morgan, MPS062943001, pp1-3, 26 June 2006.
82 These three pieces of information comprised: 1. Operation Drake witness statement, MPS011043001, 08 March 1989; 2. Contradictions in evidence of phone calls between Jonathan Rees and Margaret Harrison; and 3. Contradictions in information provided by Jonathan Rees at the Inquest and to the Hampshire/Police Complaints Authority Investigation.
83 A Detective Constable performed the role 'Receiver', and Document Reader from 17 May 2006 to 06 May 2008. Another Detective Constable was Exhibits Officer throughout the investigation, assisted by a further Detective Constable until 17 May 2006. An indexer was authorised on 04 September 2006. From 17 June 2008 to 15 October 2010 she had an assistant.

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56. The failure of the Abelard Two Investigation to follow national guidelines as detailed in the Major Incident Room Standardised Administrative Procedures[84] in managing their enquiry was in part the product of the very limited number of officers working on the investigation. It is accepted that in London, in 2006, there were many homicides which would have required a significant HOLMES capacity. Despite this, there was a failure by the Oversight Group to provide enough properly trained personnel to use the HOLMES system, in effect replicating one of the major failings of the first investigation of Daniel Morgan's murder in 1987 (the Morgan One Investigation). The HOLMES system is a recognised and important investigative tool. DCS David Cook gave DS Peter Summers very similar, multiple responsibilities to those held by DS Malcolm Davidson some 19 years earlier during the Morgan One Investigation (see Chapter 1, The Morgan One Investigation). This should not have happened. It led to similar consequences in terms of failure to follow through on investigative issues and to quality assure the results of work which had been done. National guidelines, to the development of which the Metropolitan Police contributed, should be complied with, other than in exceptional circumstances.

RECOMMENDATION

57. The HOLMES system is both an investigative tool and a quality assurance mechanism, but it requires significant resources if it is to be used properly. The Panel recommends that the Metropolitan Police conduct an investigation into the adequacy of resources for administering HOLMES in major crime investigations carried out by the Metropolitan Police.

58. DCS David Cook worked on secondment until December 2007 and then became a full-time employee of the Serious Organised Crime Agency. He explained that he was given a Metropolitan Police laptop '*in 2003-2004*' to enable him to work away from the office.[85] He said it was very restrictive and described it as being '*like loading treacle* […] *it was physically useless'.* [86] When he retired from the Metropolitan Police in 2007 he gave it to T/DCI Noel Beswick.[87] He explained that after his retirement, he used his personal IT equipment and that he had the most up-to-date antivirus, technical system.[88] He also explained that the Serious Organised Crime Agency did not issue him with a laptop, although he was given a Blackberry phone after 18 months.[89]

59. By 09 August 2006, there were 23 people working on the investigation. Three further officers were working on the debrief of James Ward (see section 6.1 below). Counsel and a press officer had also been appointed.[90]

84 MIRSAP (Major Incident Room Standardised Administrative Procedures) 2005, p55.
85 Panel interview of former DCS David Cook, Transcript 3, p6, 25 August 2020.
86 Panel interview of former DCS David Cook, Transcript 3, p6, 25 August 2020.
87 Panel interview of former DCS David Cook, Transcript 3, p6, 25 August 2020.
88 Panel interview of former DCS David Cook Transcript 3, p7, 25 August 2020.
89 Panel interview of former DCS David Cook Transcript 3, p16, 25 August 2020.
90 Operation Abelard Oversight Panel Meeting, MPS108270001, pp3-4, 09 August 2006.

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60. An outside enquiry team[91] was formed to follow up the various lines of enquiry. By 19 March 2007, this comprised five Detective Constables and two Detective Sergeants.[92,93] DS (later DI) Douglas Clarke was responsible for intelligence matters,[94] and was the liaison officer with the debriefing teams (see paragraph 154 below).

61. Significant surveillance activities were undertaken, and there was a review of covert evidence recovered during earlier enquiries.[95]

62. Arrangements were made for any alleged or suspected criminality which was not relevant to the murder of Daniel Morgan to be referred to the Specialist Crime Directorate.[96] Similarly, potential corruption issues, not relevant to the murder, were to be referred to the Directorate of Professional Standards.[97] Former DCS David Cook told the Panel in interview that the Abelard Two Investigation had identified a number of allegations of police corruption which required investigation, including matters related to specific officers, and had referred them to the Directorate of Professional Standards, but those matters had not been investigated. As a consequence, former DCS Cook said, some such issues were investigated by the Abelard Two Investigation.[98] In January 2021, the Metropolitan Police denied that there had been no investigation of DCS Cook's allegations. The Metropolitan Police stated that there had been at least five separate investigations into allegations of police corruption that arose during the Abelard Two Investigation. The Panel is aware of these investigations and others.

63. Former DCS David Cook was asked whether he had raised the issue of this failure to investigate police corruption allegations with any senior officer, and he responded that he had not, saying that, '*you got to the stage where you just got tired and then you get on with it*'. [99] He also told the Panel, on both occasions on which he was interviewed, that he had put intelligence into the Directorate of Professional Standards '*about a whole host of things and I asked them for a list of all the intelligence they had with Alec Leighton and they came back and said they don't have any. And I said well hold on a minute because I've got a whole pile of it myself, right? So, you didn't necessarily get an answer to your question because people who were answering it didn't always want to tell you what they had.*'[100]

64. The Abelard Two Investigation worked in close liaison with Stuart Sampson of the Crown Prosecution Service,[101] because some witnesses were to be debriefed under the then new Assisting Offender arrangements contained in the Serious Organised Crime and Police Act 2005.[102] Nicholas Hilliard QC led the Prosecution during the trial process assisted by Jonathan Rees, barrister, who had previously acted as junior counsel during the Abelard One/Morgan Two Investigation.

91 A team dedicated to carrying out enquiries outside police premises.
92 The enquiry team was led by a Detective Sergeant.
93 Minutes of office meetings, MPS071803001, p31, 19 March 2007.
94 Minutes of office meetings, MPS071803001, p31, 19 March 2007.
95 Operation Abelard Oversight Panel Meeting, MPS108270001, p4, 09 August 2008 – DS Danny Dwyer is stated as being the *'DPS Liaison and CMP Manager'*. CMP means Covert Monitoring Post. It is a secure room where the police would monitor a technical device, an audio probe or camera, installed as part of an investigation.
96 Operation Abelard Oversight Panel Meeting, MPS108270001, p3, 09 August 2009 – matters were referred to Commander Shaun Sawyer and investigated by D/Supt Roger Critchell.
97 Operation Abelard Oversight Panel Meeting, MPS108270001, p3, 09 August 2009.
98 Panel interview of former DCS David Cook, Transcript 1, pp3-4, 25 August 2020.
99 Panel interview of former DCS David Cook, Transcript 1, p4, 25 August 2020.
100 Panel interview of former DCS David Cook, Transcript 2, pp4-5, 25 August 2020.
101 Stuart Sampson was referred to in various documents disclosed to the Panel as the '*Special Casework Lawyer*', '*CPS Prosecutor*', '*reviewing lawyer*', and '*CPS Lawyer'*.
102 Operation Abelard Oversight Panel Meeting, MPS108270001, p3, 09 August 2009.

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65. A/DCI Noel Beswick and DS Gary Dalby, who had joined the investigation on 22 May 2006,[103] examined the accounts given by the Assisting Offenders and sought corroborating evidence to prove or disprove the accounts which had been given. Consequential enquiries were conducted.[104] Those accounts included material relating to the murder of Daniel Morgan and many other very serious crimes. This involved very extensive investigative work, including underwater searches in the River Thames during which a securely wrapped Beretta gun was found, and the review of multiple serious crime investigations. This work required considerable resources which were made available.

66. Staff numbers increased during the investigation to enable the review of a large volume of material for the purposes of disclosure, and an audit of existing exhibits. A team of dedicated disclosure officers were responsible for reviewing all previous material and identifying that which should be disclosed. A review of all existing evidential exhibits was carried out, which by 2007 were reported to number over 14,000.[105] There were normal changes and fluctuations in staffing levels over the course of the investigation. By April 2009, the staff working on the investigation numbered 17, including a civilian researcher and analyst.[106]

67. The management and disclosure of documents for the purposes of prosecution was led by T/DCI Noel Beswick. DS Gary Dalby assisted him and later became line manager for the officers working on the disclosure team.[107] The full HOLMES computer disclosure package was not used during the Abelard Two Investigation. Former DCS David Cook said that resource inadequacy meant that the investigation could not resource the indexing of the investigation materials which required to be disclosed into the HOLMES system, and that they had to devise another disclosure system.[108]

68. Furthermore, in relation to the management of exhibits, former T/DCI Noel Beswick explained to the Panel that to have used the HOLMES system, all the exhibits from previous investigations would have had to be entered onto the HOLMES system. However, he said '*only about 200 were of potential significance so it would not have been cost effective to put them all on. The practical way of dealing with the exhibits was to put them all onto a spreadsheet which served us well*.'[109] An Excel spreadsheet was made available to the Panel. One section referred to exhibits only and comprised 16,413 items.

69. A computer system and disclosure programme were installed on 09 October 2006, and work on case building and preparations for disclosure started on 07 November 2006. A third barrister, Heather Stangoe, was appointed as Disclosure Counsel to advise on all matters relating to disclosure, and to review all previous investigation material.[110]

70. On 07 July 2008, it was recorded that '[q]*uality issues have arisen in respect of the Holmes account. This* [is] *as a consequence of staff retirement and transfer.*'[111] The possibility of acquiring staff from other Metropolitan Police departments was discussed.[112] During the 'Office

103 Witness statement of DS Gary Dalby, MPS1097090001, p2, 11 August 2017.
104 Minutes of office meetings, MPS071803001, p17, 07 November 2006.
105 Report to the Crown Prosecution Service, MPS103338001, p183, 13 June 2007.
106 Metropolitan Police email chain from former DCS David Cook to AC John Yates, EDN001119001, 23 April 2009.
107 Witness statement of DS Gary Dalby, MPS1097090001, p2, para 2, 11 August 2017.
108 Panel interview of former DCS David Cook, Transcript 3, pp1-2, 25 August 2020.
109 Panel interview with former A/DCI Noel Beswick, p4, 11 December 2018.
110 Operation Abelard Oversight Panel, MPS108270001, p3, 09 August 2009.
111 Email from former T/DCI Noel Beswick re Oversight Meeting, MPS106302001, p2, 07 July 2008; Collection of documents re Abelard Gold Group minutes/ Oversight minutes, MPS109606001, p77, 07 July 2008.
112 Collection of documents re Abelard Gold Group minutes / Oversight minutes, MPS109606001, p77, 07 July 2008.

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Meeting' on 23 July 2008 ongoing '*problems with the HOLMES account*' were recorded, and it was stated that T/DCI Noel Beswick had arranged a meeting with other colleagues[113] to assist with the problem.[114]

2.4 Family liaison arrangements

71. Family liaison arrangements during the Abelard Two Investigation were unusual and not consistent with national policy or the Metropolitan Police policy at the time.[115,116]

72. National police policy in relation to family liaison requires that the Senior Investigating Officer record a strategy for family liaison. The objectives of family liaison are defined in the Murder Investigation Manual as typically including:

i. '*Gathering evidence and information from the family in a manner which contributes to the investigation and preserves its integrity;*

ii. *Identifying support agencies able to provide appropriate care and support to the victim's family;*

iii. *Ensuring that family members are given information about support agencies and that referrals are made to Victim Support and other agencies in accordance with the family's wishes;*

iv. *Securing the confidence and cooperation of a victim's family which can positively impact on the wider issues of community trust and confidence, as well as bringing positive benefits to the investigation;*

v. *Providing the family with as full and up-to-date information as possible about the crime and its investigation;*

vi. *Obtaining full family background and other relevant details as directed by the Senior Investigating Officer; and*

vii. *Ensuring the investigation is not compromised by the injudicious disclosure of information.'*[117]

73. National policy requires that the Senior Investigating Officer must:

i. be directly involved in the selection of family liaison officers;

ii. appoint trained family liaison officers;

iii. give the family liaison officers a written strategy to work to on each deployment; and

iv. support and regularly monitor the health and welfare of family liaison officers.[118]

113 The support staff manager of the Metropolitan Police HOLMES Support team and someone from 'MRG'
114 Minutes of office meetings, MPS071803001, p74, 23 July 2008.
115 Metropolitan Police Family Liaison Policy and Fundamental Guidelines, MPS109906001, pp1-36, 23 March 2001.
116 Murder Investigation Manual 2006; ACPO Family Liaison Strategy Manual 2003; The Home Office (2005) Code of Practice for Victims of Crime.
117 Murder Investigation Manual 2006, para 16.3.1.
118 Murder Investigation Manual 2006, para 16.4.

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74. National policy recognises that complex circumstances may require the appointment of multiple or deputy family liaison officers. A full record should be kept of all interactions with the family.[119]

75. National policy also provides for appropriate interactions between the Senior Investigating officer and the family of the murder victim.

76. On 20 April 2006, during an office meeting, DCS David Cook said that, '*he was the FLO* [Family Liaison Officer] *for the MORGAN family (although DS OLIVER is still liaising)*'.[120] DCS Cook was in frequent contact with Alastair Morgan. DCS Cook did not keep a log of his interactions with Alastair Morgan. The Abelard Two Investigation kept a record of its contact with Isobel Hülsmann, Jane Morgan and Alastair Morgan, but it contained only a summary overview of contact.[121] From 30 June 2006, a Family Liaison Officer was appointed for Iris Morgan, Sarah Morgan and Dan Morgan, and a Family Liaison Log was kept.[122]

77. While there is no specific provision precluding the appointment of a Senior Investigating Officer as Family Liaison Officer, the structures, processes and policies of family liaison make it quite clear that the Senior Investigating Officer is responsible for the management and appointment of the Family Liaison Officer and indicate that the Family Liaison Officer must be a separate person from the Senior Investigating Officer. DCS David Cook should not have acted as Family Liaison Officer.

78. On 26 April 2007, during an Oversight meeting, DAC Janet Williams expressed concern that '*DC* [DCS David Cook] *may be overreaching himself in relation to taking on additional FLO* [Family Liaison Officer] *duties.*'[123] DCS Cook responded, '*that this was entirely commensurate with his role as SIO* [Senior Investigating Officer] *and that he had a team of FLO's* [sic] *deployed, however Isobel's allocated FLO was long term sick hence DC's short term commitment*'.[124] When arrests were planned in April 2008, special family liaison arrangements were made.[125]

79. Former DCS David Cook was asked at interview by the Panel if he had considered whether his role as Family Liaison Officer, when he was simultaneously Senior Investigating Officer during the Abelard Two Investigation, might have interfered with his role as Senior Investigating Officer. He told the Panel that he had previously had regular contact with family members in other investigations of serious crime. He said:

> '[w]*e didn't have a designated FLO, so let's not contradict things, for the family in Abelard Two. It came to me and John Yates had expected me to deal with the family.* […] *Danny Dwyer did some stuff for us but the majority of it came to me because when Alastair [Morgan] phoned up, he wanted to speak to me.* […]

119 Metropolitan Police Family Liaison Policy and Fundamental Guidelines, MPS109906001, p23, 23 March 2001.
120 Minutes of office meetings, MPS071803001, p3, 20 April 2006.
121 Family Liaison meeting notes in respect of the Morgan family, MPS071361001, pp1-6, 18 February 2011.
122 Document D281, Family liaison log for Morgan family, MPS102357001, 30 June 2006 – 27 May 2009. The Family Liaison Officer (FLO) was DC Caroline Linfoot from 30 June 2006, and her deputy was a Detective Constable. From 20 July 2009 they were replaced by two further Detective Constables. (See D3504 FLO log for Morgan family, MPS105446001, commenced 20 July 2009. The last entry on the Family Liaison log was dated 13 June 2011.)
123 Collection of documents re Abelard Gold Group minutes/ Oversight minutes, MPS109606001, p39, para 6, 26 April 2007.
124 Collection of documents re Abelard Gold Group minutes/ Oversight minutes, MPS109606001, p39, para 6, 26 April 2007.
125 Action A1820, Identify and resource FLO requirements for the custody period, MPS068264001, p1, 15 April 2008.

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'There's a lot of things I wasn't comfortable with but it seemed to work, so you accepted it […]*. And this was a case like no other I'd ever experienced before, so in many ways we were in uncharted territory when it came to the family.'*[126]

80. Former DCS David Cook was asked at interview whether it would have been easier for him if someone else had been the Family Liaison Officer. He replied: '*Yes, it would've made it immensely easy, but the decision by John Yates was for me to deal with the family.*'[127] Former AC John Yates told the Panel in November 2020 that, '*I acknowledge that family liaison arrangements in this case were unusual. It was one of the exceptional features of the enquiry that family liaison was conducted by such senior officers. I believe that there was no practical alternative.*' He also said that it would have been '*impractical and counter-productive*' for him and DCS Cook to have delegated responsibility for the family in this case and could have been viewed by the family of Daniel Morgan as a sign of '*disrespect and dereliction of duty*'. However, there were designated Family Liaison Officers for the members of the family other than Daniel Morgan's mother and brother. In November 2020, former AC Yates said to the Panel that that former DCS Cook had never expressed any concerns or objections to him about his family liaison role.

81. The Panel is not convinced by the arguments set out by former DCS David Cook and former AC John Yates as to why the family liaison role was treated in this way.

82. Former DCS David Cook was asked about the extent of his disclosure to the family of Daniel Morgan, some of which, it was put to him, was inappropriate. He responded, '[a]*bsolutely right, some people may feel it's inappropriate, some people may feel under the circumstances it was the right thing to say. That's all a very subjective approach to it. And at the end of the day, being defensive, it was me that was given the job of dealing with it*.'[128]

83. Former DCS David Cook was asked about an occasion on which Isobel Hülsmann had telephoned AC Cressida Dick in July 2014. She spoke to AC Dick's staff officer. In fact, she phoned the staff officer twice, apparently very anxious. She alleged that former DCS Cook had provided her son Alastair Morgan with a '*thumb drive*' containing what she said was '*Top Secret material*'. Former DCS Cook responded, '*I provided Alastair with information because I had been advised not to speak to the Panel and I wanted to, you know, basically keep Alastair informed of certain things, and I'm not going to go any further than that. No, actually I didn't provide Alastair, I spoke with Raju Bhatt* [Alastair Morgan's solicitor] *about it.*'[129]

126 Panel interview of former DCS David Cook, Transcript 4, p5, 25 August 2020.
127 Panel interview of former DCS David Cook, Transcript 4, p10, 25 August 2020.
128 Panel interview of former DCS David Cook, Transcript 4, pp6-7, 25 August 2020.
129 Panel interview of former DCS David Cook, Transcript 4, pp11-12, 25 August 2020.

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84. The family liaison arrangements in the case of Alastair Morgan were not consistent in any respect with the requirements of the Metropolitan Police Family Liaison Policy and Fundamental Guidelines. DCS David Cook as the Senior Investigating Officer should not have acted as Family Liaison Officer for Alastair Morgan and other members of the Morgan family, as this was not consistent with his responsibilities for the conduct of the whole investigation, nor was it in accord with normal procedures. The Panel has seen no record of family liaison logs maintained by DCS Cook. Moreover, analysis of the material available has shown that DCS Cook shared information which would in normal circumstances have been kept confidential, and of which a Family Liaison Officer would have been unaware.

85. The effect of DCS David Cook acting as Family Liaison Officer, as well as his ongoing work outside the Metropolitan Police, was to limit his capacity to deal effectively with the matters for which he was responsible. DCS Cook had only limited time to allocate to the investigation, and yet he spent time acting as Family Liaison Officer which should have been spent giving strategic direction to the Abelard Two Investigation. DAC/AC John Yates should have ensured that this did not happen.

RECOMMENDATION

86. The Metropolitan Police should ensure that the role of the Family Liaison Officer is never carried out by the Senior Investigating Officer of an investigation. There is an inherent conflict between these two roles.

3 The governance of the investigation

87. In normal circumstances, a Senior Investigating Officer is answerable to their line manager. However, as stated above, this did not happen during the Abelard Two Investigation. At interview with the Panel, former DCS David Cook articulated his experience of the governance of the investigation by saying that he was answerable to DAC John Yates, and that the Directorate of Professional Standards were involved, as was the Homicide Commander who provided the resources. At different times he was also answerable to the Metropolitan Police Authority and the Criminal Cases Review Commission.[130]

88. Former AC John Yates told the Panel that the governance structure within the Abelard Two Investigation provided DCS David Cook with access to advice and support from very senior figures across a range of disparate groups within the Metropolitan Police.

130 Panel interview with former DCS David Cook, Transcript 2, p7, 25 August 2020.

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89. An Oversight Group (on occasion referred to as a 'Gold Group')[131] was established for the re-investigation of the murder of Daniel Morgan. This Group was not actually a Gold Group as defined by the Murder Investigation Manual, as it did not have the requisite membership; in particular it had no members representing staff associations. More importantly, it did not meet regularly throughout the five years of the Abelard Two Investigation. DAC/AC John Yates was not only the Chair of the Gold Group, he was also the de facto line supervisor for the Senior Investigating Officer, DCS David Cook.

90. The Terms of Reference for the Gold Group were as follows:

> *'To ensure that all issues arising from the current investigation are managed and co-ordinated in an appropriate and timely manner. The purpose is: –*
>
> 1. *To be the forum for dialogue and debate where all interested parties can engage and agree solutions.*
> 2. *To identify and manage identified risk(s) across all relevant Directorates such as the Department of Professional Standards and Specialist Crime Directorate and to agree an approach as to how these various matters are addressed, who is responsible and likely timeframes.*
> 3. *To ensure that any issues, including risks, which may affect the Metropolitan Police Service are addressed in an appropriate manner.*
> 4. *To ensure that relevant operational management, staffing, accommodation and resourcing issues are identified and addressed.*
> 5. *To identify any learning opportunities.*
> 6. *To consider and advise in relation to the media strategy.*
> 7. *To consider any relevant issues in respect of the family of Daniel Morgan and any support required either for them and/or the SIO* [Senior Investigating Officer]*.'*[132]

91. Various people attended the Oversight Group including DAC (later AC) John Yates, DAC Janet Williams, Commander Sue Akers of the Directorate of Professional Standards, Commander David Johnston or DCS Andrew Murphy of the Homicide and Serious Crime Command, Commander Shaun Sawyer of the Specialist Crime Directorate, DCS David Cook, T/DCI Noel Beswick, and the Directorate of Legal Services. Although it was recorded that meetings would be held on a monthly basis, this did not happen. The number of those attending the Oversight Group varied.

92. It was stated that Commander Cressida Dick (who later became Deputy Assistant Commissioner and then Assistant Commissioner during the period of the Abelard Two Investigation, and ultimately appointed to Commissioner) was to attend around '*ethical issues*'.[133] Apart from the inaugural oversight meeting on 09 August 2006, the Panel has seen no evidence that Commander Dick was requested to attend any other oversight meeting to deal with any ethical issues, and she did not attend subsequent meetings.

131 Gold Groups, called Gold Support Groups, are provided for in the Murder Investigation Manual, p78, para 3.3.3. They have specific required membership.

132 Operation Abelard Oversight Panel Meeting, MPS108270001, p2, 09 August 2006.

133 Communication Abelard II team, MPS109471001, p38, 09 August 2006.

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93. The Panel has seen eight sets of minutes of the Oversight Group meetings held during the Abelard Two Investigation.[134] The Panel has seen no evidence of Oversight Group meetings after July 2008, when charges had been laid against Jonathan Rees, former DS Sidney Fillery, Glenn Vian, Garry Vian and James Cook; the investigation continued and there were serious ongoing problems.[135]

94. The Panel notes that on 15 January 2010, Commander Simon Foy, in an email to senior officers,[136] stated:

> *'In anticipation of our reaching a point after the ruling on the 18th that we move for trial preparation etc. I am going to establish what I am describing as a "Silver Governance" structure around the mechanics and process of Abelard. I have been discussing this with John Yates et al for some time, and this latest phase that we will hopefully be moving on to will give me the opportunity to carry it out.*
>
> *'In doing this I am not confusing two other significant roles:*
>
> - *The overall role of John Yates as Gold – in terms of his lead and responsibility for the overall investigation. I will report the issue from this silver group to him.*
> - *The normal line management/resource and even investigative support and direction that is in place between Noel* [T/DCI Beswick] *as the SIO* [Senior Investigating Officer] *and Hamish C* [DCS Campbell] *– as per normal SCD1 arrangements.*
> - *Dave Cook continuing to remain in his role overall in the investigation.*
>
> *'The idea is to get a structure governance and process to the issue that sit somewhere between these three above. I think it is a gap that has needed filling for some time."*[137]

95. The Panel has seen evidence that the '*Silver Governance*' structure was established, and it is known that it met on 19 March 2010 and was chaired by Commander Simon Foy.[138] No minutes of this or any other Silver Group meeting can be found. Those initially appointed to the Silver Group by Commander Foy included T/DCI Noel Beswick, '*as the SIO and responsible for the day to day running of the investigation*'; an officer to deal with issues emerging from the debrief of Gary Eaton; an officer to lead on management of any confidential information; D/Supt Roger Critchell, whose role was to advise on any security issues which might emerge; and a person from the Directorate of Professional Standards for liaison on matters pertinent to that Directorate.[139]

134 Communication Abelard II team, MPS109471001, pp37-40, 09 August 2006; Communication Abelard II team, MPS109471001, pp41-43, 04 September 2006; Communication Abelard II team, MPS109471001, p44, 10 November 2006; Communication Abelard II team, MPS109471001, pp7-9, 23 January 2007; Collection of documents re Abelard Gold Group minutes/Oversight minutes, MPS109606001, pp29-31, 12 March 2007; Collection of documents re Abelard Gold Group minutes / Oversight minutes, MPS109606001, pp37-39, 26 April 2007; Collection of documents re Abelard Gold Group minutes/Oversight minutes, MPS109606001, pp21-28, 02 July 2007; and, email from T/DCI Noel Beswick re Oversight Meeting, MPS106302001, p2, 07 July 2008, MPS109606001, pp75-78, 07 July 2008.

135 There is no requirement as to the frequency of Gold Group meetings in the Murder Investigation Manual 2006.

136 T/DCI Noel Beswick, DCS Hamish Campbell, Commander Sue Akers, AC John Yates, and other senior officers. Commander Simon Foy forwarded the same email to David Cook, 6.42 pm, EDN000782001, 15 January 2010.

137 Email from Commander Simon Foy, EDN000782001, 9.32 am, 15 January 2010.

138 Email from DI Douglas Clarke, EDN002197001, 19 March 2010.

139 Email from Commander Simon Foy, EDN000782001, 9.32 am, 15 January 2010.

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96. The Panel has not seen minutes of these meetings, but there are a significant number of communications evidencing close involvement by Commander Simon Foy and DCS Hamish Campbell in elements of the Abelard Two Investigation during this period. For example:

i. DCS Campbell authorised additional resources as requested in January 2010 by T/DCI Noel Beswick.[140]

ii. Commander Foy arranged additional resources at the request of former DCS David Cook.[141]

iii. Commander Foy approved a decision on 24 March 2010 limiting the debrief of Person J5 to clarification over issues previously raised.[142]

iv. Commander Foy was involved with the aftermath of the release of the Defendants on bail in March 2010 when it was necessary to assess any risk to several hundred witnesses, police officers, and others, and to take necessary action following that assessment.[143]

v. Former DCS Cook emailed Commander Foy raising a matter to be discussed at the Silver Group meeting in April 2010. It is clear from the content of this email that former DCS Cook did not intend to attend that meeting, but he told Commander Foy that T/DCI Beswick was fully informed about the matter.[144]

97. AC John Yates, who had been promoted from DAC, announced his intention to resign as AC in July 2011.[145] In an interview with the Panel, he described himself as having been '*the ACPO* [Association of Chief Police Officers] *overseer and chair of the Gold Group who was responsible for strategy, resourcing and interface with the more challenging members of the MPA* [Metropolitan Police Authority] *and for supporting the family*'.[146] AC Yates retired in November 2011.[147]

98. Former DCS David Cook described his experience of the governance structure saying that he did not have the support above him that he needed. He explained that his requests for resources would be granted by DAC (later AC) John Yates, and then the resources would not be made available. Former AC Yates disputed former DCS Cook's allegation that the necessary resources were not made available, saying that resourcing issues were regularly reviewed at Oversight Group meetings. However, these meetings did not continue until the end of the investigation. There is evidence that not all of the support sought in the Oversight Group was provided. This is not uncommon, as police forces generally face competing demands for resources.

99. Former DCS David Cook said, '*I had any number of people telling me what I should be doing in relation to the investigation, and of course that brought me into conflict with them.*'[148] DCS Cook described this situation as '*the politics*', saying that he saw his role as being to keep

140 Email correspondence, MPS109586001, pp81-84, 29 January 2020.
141 Email former DCS David Cook to Commander Simon Foy, MPS109586001, p16, 26 April 2010.
142 Decision by Commander Simon Foy, MPS109586001, pp31-32, 24 March 2010.
143 Emails and risk assessment form, MPS109586001, pp54-80, March 2010.
144 Emails David Cook to Simon Foy, MPS109586001, p19, 20 April,2010.
145 Document produced for DMIP by researching the MPS Intranet archive for details of career moves, ranks and positions of AC John Yates, AC Alan Brown and DAC Janet Williams, MPS109675001, p6, 23 November 2016.
146 AC John Yates, Notes of meeting, para 17, 30 August 2016.
147 Briefing Note: Abelard minutes, MPS109587001, p7, 08 March 2012.
148 Panel interview with former DCS David Cook, Transcript 2, p8, 25 August 2020.

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'*the politics*' away from the team and that they just got on with trying to '*resolve the murder*'.[149] Former DCS Cook also said that after he left the Metropolitan Police in December 2007, he could see that there was a determination by the Metropolitan Police '*to have a greater say, and certain interference point of view in terms of Abelard. That then forced me to become involved whilst retired, as a consultant SIO* [Senior Investigating Officer]*, back into the politics again*.'[150]

100. Former DCS Cook's description of the process of exercising proper governance and audit control over the Abelard Two Investigation as '*interference*' is not justified, and it does not demonstrate any understanding of the appropriate processes for the governance of an investigation.

101. The 33 months between July 2008 and the collapse of the prosecutions in March 2011 were of great importance, yet in the papers available to the Panel, there is no evidence of an Oversight Group meeting (other than the meetings conducted by Commander Simon Foy) after July 2008.

102. The issues for which the Oversight Group was responsible in terms of resourcing, media management, and even risk assessment, were not dealt with on a regular and structured basis by that Group. The fact that AC John Yates had made it clear to Commander Simon Foy that he (AC Yates) remained in strategic control contributed to the situation in which there was no overall strategic leadership. Despite this, it is evident that Commander Foy and DCS Hamish Campbell made every effort to manage and control the very difficult issues of which they became aware.

3.1 Concerns raised by senior Metropolitan Police officers about the management of the investigation

103. The material available indicates that significant unease emerged at an early stage, at very high levels in the Metropolitan Police, about the governance of the Abelard Two Investigation.

104. Commander David Johnston, Head of Homicide and Serious Crime, to whom DCS David Cook would normally have reported, was initially unaware of the ongoing Abelard Two investigation. He became aware of it through a conversation with his deputy, DCS Andrew Murphy. He discovered that DAC John Yates had acquired the Abelard Two Investigation as an unsolved murder under his role as Head of Professional Standards, and that he had appointed DCS Cook to manage it. Former Commander Johnston said that he had asked DAC Yates why the Homicide and Serious Crime Command was not running the investigation, and DAC Yates had told him that because of its nature, DAC Yates had been careful to select people outside the Homicide teams who had not previously worked on the Daniel Morgan case, and

149 Panel interview with former DCS David Cook, Transcript 2, p8, 25 August 2020.
150 Panel interview with former DCS David Cook, Transcript 2, p11, 25 August 2020.

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that the reassurance of the family was paramount. However, a number of officers who worked on the Abelard One/Morgan Two Investigation also worked on the Abelard Two Investigation, for example, Commander Shaun Sawyer and DCS Cook. Former Commander David Johnston told the Panel that he had been asked by DAC Yates to undertake the oversight role of Gold Commander[151] (he had not been asked to chair the Oversight Group). By 15 November 2006, he had discussed the investigation with DAC Yates and had expressed concerns about the way in which the two debriefs (of James Ward and Gary Eaton) were being conducted.[152]

105. Commander David Johnston said he attended the Abelard Two Investigation office at 7.30 am one morning shortly after taking over as '*Gold Commander*', and identified a number of concerns, particularly in relation to the way in which the debriefing of witnesses was being conducted. He drew his concerns to the attention of DAC John Yates in an email on 14 November 2006 and suggested a review of the investigation, including a review of the conduct of the debriefs. He stated,

> *'Daves* [sic; DCS Cook] *continued contact with one or more of these PWs is a concern and one i* [sic] *believe we need to include in the review and deal with now.*
>
> *'I also have some concerns re: the wider review issues, this job has not been subject of a formal review since dave* [sic] *restarted it and we would review any other job routinely. I would rather be reassured by an early review than find a problem down the line that is difficult to rectify later. I see the review as quality assuring this investigation and I dont* [sic] *anticipate any major issues arising from it.'*[153]

106. On 15 November 2006, DAC John Yates emailed DCS David Cook. He said:

> *'I have now met with* [Commander] *Dave Johnston to clarify finally the issues around review. For the record, DJ made a persuasive case that there should be a review of not only the PW issues but also around lines of enquiry. I am not with him on the lines of enquiry review at this stage. I consider that the active nature of the enquiry and the close involvement of the CPS* [Crown Prosecution Service] *and Counsel negates such a need at the present time, although I would not rule it out for the future should I consider it necessary. What I have asked DJ to do is what he would normally do anyway which is to informally discuss with you the current lines of enquiry and any other relevant matters pertaining to the investigation and for him to advise and challenge as appropriate. I consider this to be normal business.'*[154]

107. DAC John Yates said that he was amending the Terms of Reference of the Operational Security Review which had been completed on 02 November 2006 for James Ward, to include the following:

> *'– What are the systems and processes in place regarding* [James Ward] *and* [Gary Eaton] *and is policy being followed*
>
> *– A view around the appropriateness or otherwise of firewalls*
>
> *– A review of the documentation to support the above issues.'*[155]

151 Panel interview with David Johnston, p1, 29 September 2016.
152 Email correspondence, EDN001126001, 09-15 November 2006.
153 Email correspondence, EDN001126001, 14 November 2006.
154 Email correspondence, EDN001126001, 15 November 2006.
155 Email correspondence, EDN001126001, 15 November 2006.

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108. Former Commander David Johnston explained to the Panel some of the concerns about the consequences of the lack of proper governance which he had previously explained to AC John Yates. As an example, he told the Panel that he had noted over 500 telephone calls on itemised billing, which had been made by DCS David Cook to a witness, but he could see no record of them on the investigation's HOLMES database. When he asked DCS Cook where the records were, DCS Cook stated that there were none.[156] When asked about this in interview, former DCS Cook told the Panel that DC Caroline Linfoot had been responsible for the development of this particular witness and he did not remember having any telephone call with that witness.[157] Former T/DCI Noel Beswick told the Panel that the witness was provided with the telephone number of DCS Cook from 22 December 2006. However, the Panel has seen no evidence of contact between DCS Cook and the witness.

109. Former Commander Johnston told the Panel in interview that he told DCS David Cook not to initiate any further contact with any of the witnesses and that if the witnesses got in touch with him, he was to make a written record of the fact. Former Commander Johnston said that he believed that the contact would be used to undermine the credibility of the witnesses who would be questioned closely in the witness box when the case came to court. He said that DCS Cook had justified the contact with the witness by stating that they were '*shaky*' and needed a great deal of support. Former Commander Johnston stated that DCS Cook '*did not seem to understand*' that the huge amount of contact on the itemised billing could be interpreted as an attempt to coach the witness and it might be suggested that the witness had been offered inducements to give evidence.[158]

110. The Panel has not found evidence in the material available to it of the calls allegedly made by DCS David Cook to the witness. In January 2021, former DCS Cook made clear to the Panel that he strongly denied making these calls, that his billing records are in the possession of the Metropolitan Police as part of Operation Megan Two and he does not recollect even having a conversation with Commander David Johnston about the witness.

111. Former Commander David Johnston told the Panel that he felt equipped to oversee the Abelard Two Investigation, as he had experience of running several enquiries in which there had been allegations of corruption surrounding the original investigation. He said he told DAC Janet Williams that the Abelard Two Investigation would have been better run within the Homicide and Serious Crime Command.[159] He had a further discussion with DAC Yates asking him to transfer responsibility to the Homicide and Serious Crime Command, but DAC Yates refused. He then expressed his concerns to DAC Williams saying that he had been asked to be Gold Commander but that he could not make any of the decisions on the investigation, and it was not being run effectively.[160]

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156 Panel interview with David Johnston, p1, 29 September 2016.
157 Panel interview of former DCS David Cook, Transcript 2, pp12-13, 25 August 2020.
158 Panel interview with former Commander David Johnston, p2, 29 September 2016.
159 Panel interview with former Commander David Johnston, pp1-2, 29 September 2016.
160 Panel interview with former Commander David Johnston, p2, 29 September 2016.

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112. Commander David Johnston acted properly in bringing his concerns about the investigation to DAC John Yates, and to his line manager DAC Janet Williams.

113. A note of a meeting of the Oversight Group on 23 January 2007 recorded that Commander David Johnston was to be invited to attend all future meetings in his '*operational oversight role*'.[161] After a subsequent meeting of the Oversight Group in March 2007, DAC Janet Williams wrote to AC John Yates, saying, '[a]*s you are aware concerns have been raised regarding the governance of this most high profile and costly investigation*'. She went on to say that '[t]*he reputational risks to the MPS* [Metropolitan Police] *and the failure to detect those responsible are significant*'.[162]

114. In her email, DAC Janet Williams proposed two possible options for the future governance of the investigation. The first option was:

i. to maintain the '*status quo with one variation*': AC John Yates, through the Oversight Group, should retain overall responsibility for the investigation.[163] DCS David Cook should continue to be the Senior Investigating Officer reporting directly to AC Yates on all matters. The variation suggested was that the '*Homicide Command senior management have no operational control or organisational involvement*' other than to '*continue to provide* [...] *resources within the agreed fixed budget* [...] *to include the cost of personnel, transport, etc. Details to be agreed between Homicide Command Resources Manager and the SIO* [Senior Investigating Officer].'[164]

The second option, which DAC Williams strongly recommended, was:

ii. that AC John Yates should retain overall control via the Oversight Group, managing liaison with the Metropolitan Police Authority, managing reputational risk, the media strategy and legal implications for the Metropolitan Police, and that Homicide Command should have full operational control of the investigation through a Gold Group chaired by Commander David Johnston, who would then report regularly to the Oversight Group. She proposed that the Gold Group '*would accept responsibility for the implementation of the overall strategy for the investigation, personnel, cost controls, subjects in the de-briefing scheme (including their extended family) and operational security* [...]'.[165]

115. DAC Janet Williams said that she was aware that the second option was a radical change to the existing arrangements.[166] However, she felt that the preferred proposed structure would enable DCS David Cook to concentrate on the investigation, and at the same time enable better management of corporate risk, while mitigating the amount of intrusive leadership and control required of AC John Yates.[167]

161 Communication Abelard II team, MPS109471001, p9, 23 January 2007.
162 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p34, undated.
163 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p34, undated,
164 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p34, undated,
165 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p35, undated.
166 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p35, undated.
167 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p35, undated.

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116. The evidence shows that by this point in March 2007, DCS David Cook was effectively involved in the debrief of an Assisting Offender and he was also the Senior Investigating Officer for the murder investigation, while working full-time elsewhere.[168] DAC Janet Williams correctly cited DCS Cook's involvement in the debrief of two Assisting Offenders as an example of the lack of proper governance, saying that the Senior Investigating Officer could not objectively manage the conflicting issues arising, and that this issue needed to be dealt with, whether the first or second options were taken forward.[169]

117. On 30 March 2007, a year after the investigation started, AC John Yates rejected both DAC Janet Williams' proposals, saying that he was '*happy to slightly expand the oversight arrangements*' and that he welcomed '*views on what the agenda should possibly include*'.[170] He acknowledged that aspects of the governance of the investigation had required attention but expressed satisfaction that they had been addressed, saying:

> *'There had been an expectation on my part that Cdr Dave JOHNSTON was already fulfilling many of the roles that your proposed Gold Group now intends. The fact that this hasn't happened is unfortunate but far from disastrous. Lessons to be learnt all round, myself included.*
>
> *'This is an inquiry that has had very significant input from both the CPS* [Crown Prosecution Service] *and Counsel at all stages and they are very comfortable with, and indeed have endorsed, the investigative strategy that is being followed. The targeted reviews carried out have quite properly revealed matters that require attention and I am satisfied that these matters are being addressed. What I do not think would be wise is to overlay new policy and guidance now on a case that at its inception did not have the benefit of such (now identified) good practise* [sic]*. As I stated, it is my view that new practise* [sic] *and organisational learning identified now do not invalidate matters that have operated under a different regime and/or set of circumstances.'*[171]

118. AC John Yates could not see the merit in inserting in such a formal way, at this very late stage, another level of oversight.[172]

119. As stated above (see paragraph 32), Stuart Sampson had attended a meeting between AC John Yates and DCS David Cook at which the question of whether DCS Cook could manage the Abelard Two Investigation in addition to his work at the Serious Organised Crime Agency was raised. DCS Cook had assured both AC Yates and Stuart Sampson that he could cope with both roles.

120. AC John Yates made clear his intention to retain overall responsibility for the investigation, stating that he was '*very conscious that final accountability and responsibility for ABELARD are mine. I neither wish nor would it be appropriate for me to step back from this in any way and it will get the oversight and attention that it requires.*'[173]

121. Former Commander David Johnston told the Panel that he remained uneasy that he had been asked to act as Gold Commander for the Abelard Two Investigation, in circumstances in which he could not make any decisions to ensure that it was being run effectively. He therefore

168 With the Serious Organised Crime Agency.
169 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p35, undated.
170 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p10, 30 March 2007.
171 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p10, 30 March 2007.
172 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p10, 30 March 2007.
173 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p10, 30 March 2007.

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emailed AC John Yates stating that he no longer wished to be Gold Commander of the investigation unless he could make decisions.[174,175] He stated that following the email, he and AC Yates '*had words*', as a result of which AC Yates decided to retain control of the investigation himself.[176] Commander Johnston's sole responsibility thereafter comprised budgeting issues and resources.[177] Former AC Yates told the Panel that following this exchange, he received input from the Homicide and Serious Crime Command through Commander Johnston's deputy, DCS Andrew Murphy.

122. Former Commander David Johnston told the Panel that he had thought that DCS David Cook should not have been running the Abelard Two Investigation. He said that DCS Cook had already moved to the Serious Organised Crime Agency and was therefore running the investigation part-time. Former Commander Johnston felt that the investigation should be run by someone who was working full-time.[178] He also told the Panel that he had told AC John Yates that DCS Cook was not the right person to run the investigation, but AC Yates had responded that DCS Cook had been appointed to the Metropolitan Police from a provincial force and was therefore '*clean*'.[179]

123. DCS David Cook had in fact served with the Metropolitan Police from 1979 to 1996.[180] He had then served with Surrey Police for almost five years and had returned to the Metropolitan Police in July 2001. He had therefore been employed by the Metropolitan Police during the Morgan One and Hampshire/Police Complaints Authority Investigations although he had not been involved in either of those investigations.

124. Former AC John Yates told the Panel that he considered that Commander David Johnston had found it difficult to get involved because he found the reporting lines to be challenging.[181] Former AC Yates said that he would have expected Commander Johnston to manage some of the day-to-day oversight, but it was clear that he may not have been doing that. Former AC Yates suggested there was perhaps a lack of management of Commander Johnston by DAC Janet Williams. Former AC Yates said that this was more an internal management issue and had no bearing on the overall outcome of the Abelard Two Investigation.[182]

125. By August 2009, DCS Hamish Campbell had become involved in the senior management of the Abelard Two Investigation. The evidence indicates that he was involved, among other things, in the decision-making process for the debriefing of Person J5, who had emerged as a potential witness (see sections 6.8 and 9.1 below) and dealt with resource issues and the financial review of that debrief.[183]

126. Former AC John Yates was asked about these arrangements by the Panel and responded that this was not a typical homicide investigation and fell outside 'the norm' in terms of Metropolitan Police investigation and management structures.[184] He said that the Daniel Morgan

174 Panel interview with former Commander David Johnston, pp2-3, 29 September 2016.
175 Panel interview with former Commander David Johnston, pp2-3, 29 September 2016. The Panel has been unable to gain access to this email from Commander Johnston to AC Yates, despite requesting it from the Metropolitan Police.
176 Panel interview with former Commander David Johnston, p3, 29 September 2016.
177 Panel interview with former Commander David Johnston, p3, 29 September 2016.
178 Panel interview with former Commander David Johnston, p2, 29 September 2016.
179 Panel interview with former Commander David Johnston, p2, 29 September 2016.
180 DCS David Cook's assignment history, provided to the Panel.
181 Panel interview with former AC John Yates, para 20, 30 August 2016.
182 Panel interview with former AC John Yates, para 28, 30 August 2016.
183 Email conversation between DCS Hamish Campbell and T/DCI Noel Beswick regarding resources for debrief, MPS080422001, pp1-6; and Decision Log by DI Douglas Clarke, MPS080442001, pp1-3, 17 October 2009.
184 Panel interview with former AC John Yates, para 19, 30 August 2016.

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'*case had a particular legacy and history issue and it had to be dealt with in that way with proper scrutiny and oversight*'. He said that there '*was clear and proper pressure from the Metropolitan Police Authority, the Commissioner and the family'* and that the Metropolitan Police '*owed it to the family to do their utmost to find the killers and bring them to justice*'.[185]

127. During interview, former Commander Simon Foy told the Panel that, despite AC John Yates' bravery in taking on jobs others would not and in retaining responsibility for some of the more difficult and complex investigations, he wished he had had the courage to ask AC Yates why he had continued to retain responsibility for the Abelard Two Investigation. Commander Foy said about AC Yates, '[h]*e probably needed to leave it*'.[186]

128. Former Commander Simon Foy said in interview with the Panel that, on 06 October 2009, he had his first conversation with former DCS David Cook about the Abelard Two Investigation.[187] Former Commander Foy described his involvement in the Abelard Two Investigation saying that he had met AC John Yates on 23 November 2009 to discuss the Abelard Two Investigation and to enquire what AC Yates wanted him to do. Former Commander Foy explained that AC Yates said that he needed '*to be an ally to Dave COOK, and a confidante, and to get acquainted, and if possible, build some sort of relationship with Alastair MORGAN*'. He concluded, '[t]*he executive decision-making process remained with John YATES and Dave COOK*'.[188] Later in his interview, former Commander Foy said that he had spoken to AC Yates about the pressure which DCS Cook had been under but that '*I trusted too much that it was being dealt with and that he would cope in the end*'.[189] He further said, '*Dave COOK remaining in the SIO role was in retrospect an error, but there were very strong reasons for him staying in place.*' He referred to DCS Cook's very strong knowledge of the case and his relationship with Alastair Morgan. Former Commander Foy said that he and DCS Hamish Campbell had talked about the case and that '*we should have "pulled" him* [former DCS Cook] *out sooner*'.[190]

129. Former Commander Foy said that during the period from November 2009 to January 2010 he spoke often on the telephone to former DCS David Cook while travelling home from London after work (a journey of about 1.5 hours), explaining that former DCS Cook would send him a text message asking to speak, and former Commander Foy would call him back. He said that former DCS Cook talked a lot and he would often just listen, and that they would '*just chat*'.[191] Former DCS Cook, however, told the Panel that he had minimal contact with Commander Foy and others at the Metropolitan Police, apart from in connection with his other role at the Serious Organised Crime Agency.[192]

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185 Panel interview with former AC John Yates, para 29, 30 August 2016.
186 Panel interview with former Commander Simon Foy, PNL000180001, p1, 26 November 2019.
187 Panel interview with former Commander Simon Foy, p4, 26 November 2019.
188 Panel interview with former Commander Simon Foy, PNL000180001, p4, 26 November 2019.
189 Panel interview with former Commander Simon Foy, PNL000180001, p5, 26 November 2019.
190 Panel interview with former Commander Simon Foy, PNL000180001, p2, 26 November 2019.
191 Panel interview with former Commander Simon Foy, PNL000180001, p4, 26 November 2019.
192 Panel interview with former DCS David Cook, Transcript 2, pp13-14, 25 August 2020.

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130. This was not an atypical investigation – it was an unsolved murder investigation. DCS David Cook, the Senior Investigating Officer, Stuart Sampson, of the Crown Prosecution Service, Jonathan Rees, barrister, and others had previously worked on the case, some of them as part of the Metropolitan Police Homicide Command. The family of Daniel Morgan had expressed no concern about this. There was no justification for AC John Yates' assertion that the investigation had to be taken out of the normal management processes.

131. The Panel acknowledges AC John Yates' recognition that this was a very sensitive case for the Metropolitan Police. His desire to take personal responsibility for ensuring that it was investigated properly was laudable. However, he failed to take into account that his other onerous responsibilities would prevent him from exercising the degree of oversight that was necessary for such a complex investigation. He was wrong not to give greater weight to the expression of legitimate concerns and representations made, more than once, by several senior officers, who were better placed than he to exercise that oversight. He should have handed over charge of the investigation to the regular chain of command, and that he did not do so is regrettable.

132. DAC Janet Williams acted properly in bringing the deficiencies in governance to the attention of AC John Yates. AC Yates, despite the requests made to him, and despite discussion of the inadequacies of the oversight arrangements, allowed the situation to continue in which normal quality assurance and management controls did not operate. This should not have happened. Moreover, after July 2008, apart from the initiative of Commander Simon Foy in establishing a Silver Group, there is no evidence of formal strategic leadership of the Abelard Two Investigation. The responsibility for this rests with former AC Yates. Former AC Yates has told the Panel that it would not have been surprising if formal Oversight Group meetings ceased at this time, as charges against the Defendants were brought in April 2008 and therefore responsibility for the conduct of the prosecution transferred to the Crown Prosecution Service. However, the Panel does not accept this, as the process of investigation, including gathering further witnesses, evidence and disclosure, continued after the arrests.

133. The failures in the governance arrangements for the Abelard Two Investigation, and the lack of clarity around the role, powers and function of the Senior Investigating Officer, contravened the policing safeguards designed to ensure the integrity of all major investigations. Former AC John Yates' suggestions that Commander David Johnston failed to provide oversight and DAC Janet Williams failed to provide adequate management of Commander Johnston are not accepted. Ultimately, as a consequence of his own decision- making, the responsibility lay with former AC Yates.

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4 The review of previous investigations

134. On 22 March 2006, DCS David Cook recorded that the primary objective of the Abelard Two Investigation would be '*to implicate or eliminate*' Glenn Vian as the person said to have attacked and killed Daniel Morgan.[193] He also recorded that there was evidence that Jonathan Rees arranged the murder, that James Cook drove the getaway car, which was stored and subsequently destroyed by Person P9, and that Jonathan Rees '*was apparently assisted by* [DS Sidney Fillery] *in disrupting the investigation if not in the planning and execution*'.[194]

135. On 20 April 2006, DCS David Cook briefed the Abelard Two Investigation, stating that the investigation needed to:

i. ascertain whether there were any aerial photos or other plans available of the car park of the Dolphin public house on or around 09 March 1987;

ii. obtain details of the staff of the Golden Lion public house and the Dolphin public house at the time of the incident with a view to re-interviewing them; and

iii. read all probe material relating to Operation Two Bridges and the Abelard One/Morgan Two Investigation.[195]

136. As the Abelard Two Investigation developed it included review or investigation of:

i. matters relating to Daniel Morgan, including threats he had received;

ii. pre-existing evidence, and consideration of the management of the Morgan One Investigation, including matters relating to the Golden Lion public house, the management of the crime scene and forensic enquiries;

iii. the Belmont Car Auctions robbery;

iv. the recovery of the Range Rover from Malta by Daniel Morgan;

v. Southern Investigations;

vi. Kevin Lennon's evidence;

vii. alleged police corruption;

viii. evidence provided by many witnesses including James Ward, Gary Eaton and Person J5 and the consequential very extensive work on admissions and allegations made by them (see sections 6.1, 6.4, 6.8 and 9.1 below);

ix. the telephone records of former DS Sidney Fillery, Jonathan Rees and Glenn Vian;

x. the financial situation of Jonathan Rees;

xi. a forensic review;

193 Decision 5, Decision Log by DCS David Cook, MPS080293001, p2, 22 March 2006.
194 Decision 5, Decision Log by DCS David Cook, MPS080293001, p3, 22 March 2006.
195 Minutes of office meetings, MPS071803001, p2, 20 April 2006.

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xii. the arrests in 2006 of Glenn Vian, Garry Vian and James Cook;[196]

xiii. surveillance of Glenn Vian and James Cook;

xiv. examination of Person B18 (see section 6.9 below) which was prioritised by the Crown Prosecution Service;[197]

xv. the arrests in 2008 of Jonathan Rees, former DS Sidney Fillery, Glenn Vian, Garry Vian and James (Jimmy) Cook;

xvi. enquiries about Daniel Morgan's Austin Healey car which had not been found after his murder;

xvii. identification of further potential new witnesses; and

xviii. the arrests of 28 individuals, some of them in connection with matters other than the investigation of Daniel Morgan's murder, but which had emerged during the Abelard Two Investigation.

137. Having considered the available evidence to date, on 15 June 2006, DCS David Cook wrote to James Cook's solicitor saying that he firmly believed that James Cook had '*intimate knowledge of the events leading up to the murder and of the murder itself*'.[198] He advised that, '[t]*he Serious Organised Crime and Police Act 2005 may provide a mechanism by which James Cook may wish to come forward and detail both the role he played, if any and assist us in bringing this matter to a conclusion both for the benefit of the family and all those concerned*'.[199] He asked the solicitor to advise whether James Cook wished to enter into discussion on these matters.[200] James Cook's solicitor responded saying, '*I have taken instructions from Mr Cook. Unfortunately, he is unable to assist the enquiry.*'[201] The letter confirmed that James Cook would make himself available, were he to be arrested.[202] James Cook was arrested and bailed on 04 August 2006 after attending a police station accompanied by his solicitor (see paragraph 185 below).[203]

138. On a further occasion in February 2007, DI Paul Settle, DS Gary Dalby and DC Gary Dale had a conversation with James Cook seeking to persuade him to give evidence. James Cook declined to do so.[204]

196 Custody Record for Glenn Vian, MPS006978001, 04 August 2006; Custody Record for Garry Vian, MPS102503001, 05 September 2006; and Custody Record for James Cook, MPS006979001, 04 August 2006.
197 Minutes of office meetings, MPS071803001, pp58-60, 02 October 2007.
198 Letter from DCS David Cook regarding James Cook knowledge about Daniel Morgan murder, MPS072266001, p2, 15 June 2006.
199 Letter from DCS David Cook regarding James Cook knowledge about Daniel Morgan murder, MPS072266001, p2, 15 June 2006.
200 Letter written to James Cook's solicitor from DCS David Cook regarding James Cook's knowledge about the murder of Daniel Morgan MPS072266001, p2, 15 June 2006.
201 Letter to DCS Cook from James Cook's solicitor regarding their client James Cook desire not to assist the enquiry, MPS072320001, p2, 22 June 2006.
202 Letter to DCS Cook from James Cook's solicitor regarding their client James Cook desire not to assist the enquiry, MPS072320001, p2, 22 June 2006.
203 Custody Record for James Cook, MPS006979001, pp1-7, 04 August 2006.
204 Message 542 of 08 February 2007.

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139. Given the emerging evidence that James Cook had acted as the getaway driver in the murder, DCS David Cook was justified in attempting to recruit him as an Assisting Offender under the Serious Organised Crime and Police Act 2005, in the hope that he would provide evidence to assist the investigation into Daniel Morgan's death.

140. On 18 July 2006, DCS David Cook and his colleagues met Jonathan Rees, barrister, to discuss the main lines of enquiry and the strategy for the investigation.[205] Following this meeting, Jonathan Rees, barrister, advised that the debrief of James Ward should continue.[206] He advised that police should continue to seek supporting evidence and '*investigate the witness's credibility as rigorously as circumstances allow*' and that:

i. police should continue to review the scientific evidence;[207]

ii. police should continue to seek further evidence;

iii. the Crown Prosecution Service/police should supply copies of the transcripts of the debrief and all other material concerning the witness to Counsel;[208]

iv. the Crown Prosecution Service should appoint a junior barrister to act as disclosure barrister to begin the task of reviewing material for disclosure;

v. the police/disclosure barrister should compile a master table of all material collected during the various investigations into the killing;[209] and

vi. the Crown Prosecution Service should begin the process of creating evidence bundles of statements and exhibits.[210]

141. Finally, Jonathan Rees, barrister, advised that '[i]*f it is decided that there is sufficient* [sic] *to charge anybody in connection with the murder, we will need consider* [sic] *the impact that may have in respect of any of the other suspects*'.[211]

142. A further possible new witness had emerged in July 2006, and DCS David Cook recorded that a decision to debrief this witness had been made on 07 August 2006.

143. A case summary attached to an agenda for an Oversight Group meeting on 09 August 2006 stated that the investigative strategy was '*focussed purely on Glen* [sic] *and Gary* [sic] *Vian*,' the suspects against whom James Ward could give evidence.[212] The strategy was described as follows:

i. To substantiate the debrief of the Assisting Offender to determine if he was a witness of truth;

205 Crown Prosecution Service Advice Document (1), MPS102410001, pp2-3, para 4, 04 August 2006.
206 Crown Prosecution Service Advice Document (1), MPS102410001, pp3-4, paras 7-8(i), 04 August 2006.
207 Crown Prosecution Service Advice Document (1), MPS102410001, pp4-5, para 8(iii)-8(iv), 04 August 2006.
208 Crown Prosecution Service Advice Document (1), MPS102410001, p5, para 8(v), 04 August 2006.
209 Crown Prosecution Service Advice Document (1), MPS102410001, p5, paras 8(vi)-8(vii), 04 August 2006.
210 Crown Prosecution Service Advice Document (1), MPS102410001, pp5-6, para 8(viii), 04 August 2006.
211 Crown Prosecution Service Advice Document (1), MPS102410001, p9, para 14, 04 August 2006.
212 Operation Abelard Oversight Panel Meeting, MPS108270001, p7, 18 October 2005.

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ii. To pursue a new forensic strategy and a review of all submissions to date;

iii. To conduct a covert intelligence/evidence-gathering operation against Glenn Vian;

iv. To review all case files in existence to identify evidence or any material that would undermine a prosecution case; and

v. To reinvestigate certain aspects of the 1987 investigation and to interview witnesses who had been identified.[213]

144. Although the strategy was described as being '*purely focussed on*' Glenn and Garry Vian, other lines of enquiry were discussed during the meeting on 09 August 2006. There is no evidence of any attempt to constrain the investigation in any way. There is clear evidence that Counsel was appropriately involved in the early case management.

4.1 The debriefing of witnesses under the Serious Organised Crime and Police Act 2005

145. The first element of the strategy referred to above was the debriefing of James Ward under the Serious Organised Crime and Police Act 2005. This debriefing was a lengthy and complex process.

146. Chapter 2 of the Serious Organised Crime and Police Act 2005 provides a legislative framework for the treatment of offenders assisting investigations and prosecutions. Sections 71-75B inclusive state that the provision of assistance to the police may result in the offender receiving immunity from prosecution, a reduction in their sentence or a review of any sentence to which the offender is already subject.

147. Where a person is debriefed under these provisions, section 72 of the Serious Organised Crime and Police Act 2005 provides that, if the Director of Public Prosecutions '*thinks that for the purposes of the investigation or prosecution of an indictable offence or an offence triable either way it is appropriate to offer any person an undertaking that information of any description will not be used against the person in any* [criminal] *proceedings* [...,] *he may give the person a written notice* [...] *(a "restricted use undertaking")*'.[214] Such a notice will provide that information described in the undertaking must not be used against that person except as provided by the undertaking.[215] Such undertakings were issued in the Abelard Two Investigation (for example, see paragraph 716 below).

148. The Crown Prosecution Service's Guidance provided that:

i. No notice or undertaking can be issued on the basis that the Assisting Offender will only divulge information after immunity, or an undertaking has been given;

213 Operation Abelard Oversight Panel Meeting, MPS108270001, p7, undated.
214 Serious Organised Crime and Police Act 2005, s 72(1) and s 72(2).
215 Serious Organised Crime and Police Act 2005, s 72(3).

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ii. Assisting Offenders must be debriefed. There is an initial scoping interview to determine what they can assist with and what unprosecuted criminal activity needs to be addressed. There is a full debrief following the agreement of a Serious Organised Crime and Police Act 2005 contract between the prosecution and the witness; and

iii. The judge may take into account the extent and nature of assistance but does not have to. The judge has discretion on a case-by-case basis.[216]

149. The Crown Prosecution Service's Guidance also provided that the Assisting Offender must:

a. *'fully admit their own criminality;*

b. *provide the investigators with all information available to them regarding the matters under investigation and those involved;*

c. *agree to maintain continuous and complete co-operation throughout the investigation and until the conclusion of any criminal or other proceedings arising from the said investigation, including giving evidence in court where appropriate.'*[217]

150. The debriefing process, which is conducted by a separate debriefing team, required complete separation, referred to as a 'sterile corridor' between the debriefing processes and any staff working on the relevant investigation, so that no contact could occur between witnesses being debriefed and any murder investigation team. The purpose of the sterile corridor is to ensure that, since the Senior Investigating Officer and his or her team have no role to play in relation to the witness, there can be no allegations that there had been any attempt to influence or interfere with the evidence which was given by the witnesses. No member of the debriefing team can have any previous or current role in the investigation for which the evidence is sought. An Intelligence Liaison Officer should be appointed to manage communication between the debrief team and any investigation team.[218] The witnesses might also require the protection of the police.

151. In addition to the debrief team, a separate team of Metropolitan Police officers was responsible for the welfare and protection of the witnesses and their immediate families. This separate team could take no part in the debriefing process.

152. The debriefing of James Ward, who was then in custody, began on 22 May 2006[219] and ended on 12 December 2006.[220]

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216 The Crown Prosecution Service's Guidance: Witness Immunities and Undertakings, pp6-8, June 2006.
217 The Crown Prosecution Service's Guidance: Witness Immunities and Undertakings, p2, June 2006.
218 Document D5525, Draft copy of Manual of Guidance for the Debriefing Offenders Assisting Investigations and Prosecutions, MPS109574001, pp43-44, para 7.3.7, 2006.
219 Record of interview, MPS089714001, 22 May 2006; Ongoing Civil Action Case between Jonathan Rees, Glenn Vian, Sidney Fillery, and Commissioner of Police of the Metropolis, CIV000001001, p25, 22 December 2015.
220 Master Tape Disclosure list N97 Debriefs, MPS103663001, pp2-8, undated.

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153. DCS David Cook conducted a risk assessment of a second proposed witness, Gary Eaton, in July 2006,[221] and further assessments were conducted thereafter. In an email to D/Supt Barry Phillips, the officer responsible for Metropolitan Police Service Debrief Capability in response to the Serious Organised Crime and Police Act 2005,[222] and the debrief Senior Investigating Officer for Gary Eaton,[223] DCS Cook recorded that Gary Eaton,

> *'demonstrates an intense dislike of Jimmy* [Cook] *which is indicative of a desire to seek some revenge (don't quote me) on the basis that he was actively engaged in criminal activities from which a* [p]*rime suspect has had substantial benefit and he has not. Also he blames his connection to a prime suspect as being the reason why his son is actively engaged in criminal activity and has recently been arrested as a result. Finally his current girlfriend was recently threatened as a means to ensure his silence and this would appear to be the final straw.'*[224]

154. Gary Eaton agreed to be debriefed on 08 August 2006 and his debrief concluded on 18 December 2007.[225] Thereafter there were a number of meetings to clarify what he had said during his debrief. DS Douglas Clarke (later promoted to Detective Inspector) was appointed to act as Liaison Officer between the debrief team and the Abelard Two Investigation.[226] Arrangements for accommodation, and welfare arrangements for Gary Eaton and his partner, Person G23, were agreed between them and the Witness Protection Unit.[227]

155. Concerns arose within the Abelard Two Investigation, shortly after the debrief processes for James Ward and Gary Eaton began, about the processes and working practices of the debrief. On 02 November 2006, at the request of DCS David Cook, the Covert Operational Security Unit produced a security review report '*on behalf of Detective Chief Superintendent David Cook*' on the debrief of James Ward,[228] the first Metropolitan Police debriefing process under the Serious Organised Crime and Police Act 2005.[229] The report was addressed to Commander Shaun Sawyer and was also sent to DCS Cook.[230] It examined only the processes and working practices in relation to the debriefing of James Ward.[231]

156. The report stated that '[d]*ue regard has been given to the ACPO* [Association of Chief Police Officers] *draft manual "Guidance on Debriefing Offenders Assisting Investigations & Prosecutions" which has not yet been ratified, and which unfortunately makes little reference to the need for operational security.*'[232]

157. The Association of Chief Police Officers' 'Guidance on Debriefing Offenders Assisting Investigations & Prosecutions' was not finished until 2016.

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221 The Directorate of Professional Standards Witness Protection Unit Threat Assessment GE, EDN001298001, 29 July 2006.
222 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p20, 11 July 2017.
223 Operation Abelard Oversight Panel Meeting, MPS108270001, p4, 09 August 2006.
224 Folder of material supplied by a Detective Sergeant Op Megan in response to DMIP questions SS513 to SS529 [Q329-345], MPS109704001, p86, 04 August 2006.
225 Jonathan Rees and others and Commissioner of Police of the Metropolis, CIV000001001, p38, undated.
226 Witness statement of DI Douglas Clarke, MPS006791001, p1, 03 August 2009.
227 *'Schedule of contact with Gary Eaton'*, MPS006763001, p1, 26 November 2007.
228 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p7, 02 November 2006.
229 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p8, 02 November 2006.
230 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p4, 02 November 2006.
231 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p7, 02 November 2006.
232 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p7, 02 November 2006.

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158. It is essential that officers responsible for policing have all necessary guidance to enable them to carry out their various functions. A delay of over ten years in producing the Serious Organised Crime and Police Act 2005 Guidance on Debriefing Offenders Assisting Investigations & Prosecutions, particularly in this very important and complex area of investigation, was unacceptable.

159. The report identified a variety of issues including the following:

i. The premises being used for the debrief were regarded as '*not fit for purpose*'.[233]

ii. Agreement was made to '*commence the debrief process following a gold group meeting early in 2006. It appears that no minutes were recorded at this meeting, and in fact the decision was made by DAC John Yates following a presentation by DCS Cook.*' [234]

iii. Government Protective Marking Scheme arrangements for documents were not adhered to at the Crown Prosecution Service. Insecure email was used by Stuart Sampson, of the Crown Prosecution Service, as the main method of communication.[235]

iv. Witness Protection Unit officers were not kept regularly informed in relation to matters concerning the witness and his family.[236]

v. Although a high-risk level had been identified for the debriefing operation, there was no documentation as to how this had been decided and no record of relevant control measures had been considered and implemented in order to manage the risk.[237]

vi. The original risk assessment created by DCS David Cook had not been updated, and '*bearing in mind the subject has named numerous individuals, and* [is] *likely to give evidence against some of those, then, in order for the organisation to maintain its duty of care* […]', it was recommended that this should happen.[238]

vii. The debriefing operation required a heavy financial commitment because of the need to provide custody staff for one person 24 hours a day.[239]

viii. Since DCS Cook only had sight of summaries rather than the full transcripts of the debrief (a policy decision which was accepted as being appropriate), it was essential that he be made aware of any information which could affect the progress of the murder investigation.[240]

160. The report also observed that the Deputy Senior Investigating Officer for the debrief operation had been approached by a number of retired officers offering typing services to the debriefing teams. The report recorded that the Deputy Senior Investigating Officer, '*sensibly*

233 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p8, 02 November 2006.
234 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p8, 02 November 2006.
235 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p9, 02 November 2006.
236 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p9, 02 November 2006.
237 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p10, 02 November 2006.
238 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p10, 02 November 2006.
239 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, pp10-11, 02 November 2006.
240 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p11, 02 November 2006.

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decided that the operation was far too sensitive to consider such action'.[241] The report made recommendations for future consideration of the review by the Covert Operations Security Unit of companies offering typing services.[242]

161. The report made nine other recommendations for action, all of which related to the identified operational security issues referred to above. It concluded that '*the SIO* [Senior Investigating Officer] [...] *has a particularly difficult job in that he is investigating a murder committed some years ago, and at the same time has to consider the debriefing operation and the potential corruption issues*'.[243] Documentation attached to this report included a minute sheet from Commander Shaun Sawyer to DCS David Cook, dated 21 March 2007, which stated that the matters contained in the report had been addressed.[244]

162. The Crown Prosecution Service told the Panel in November 2020 that '[t]*he CPS email server is, and was, a gsi server and therefore is part of the secure government network. The government security markings, as they were at that time, allow the use of email for information marked as "restricted" or below. Communication via email would not have been a security breach of itself, unless information was marked as "confidential" or above.*'

163. There is no evidence to show that there was any contact with the Crown Prosecution Service to address the deficiencies which had been identified relating to arrangements for document security, or to ensure that only secure email was used.

164. The fact that management of the debriefing processes was not overseen by a Gold Group was raised by DAC Janet Williams in March 2007. She commented that '*Dave* [Cook] *has spent considerable time and energy managing the processes regarding* [James Ward] *and* [Gary Eaton]*. However, particularly with* [Gary Eaton]*, I have concerns as to the robustness of our procedures, the sterile corridors and the potential long-term risks to the subject. This I feel* [...] *should sit with the Gold Group, as the SIO* [Senior Investigating Officer] *cannot objectively manage the conflicting issues arising.*'[245]

165. In April 2007, following the intervention by Commander David Johnston in November 2006 (see paragraphs 104-112 above),[246] the Metropolitan Police Covert Operational Security Unit produced a second review of the practices and procedures used in the formal debriefings of the two witnesses.[247]

166. The report correctly stated that neither the Home Office nor the Association of Chief Police Officers had approved formal guidance covering the policy, processes and procedures to be adopted when using the new procedures under the Serious Organised Crime and Police Act

241 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p10, 02 November 2006.
242 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p10, 02 November 2006.
243 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, pp11-12, 02 November 2006.
244 Orange Docket relating to Assisting Offenders Debrief, MPS107485001, p5, 02 November 2006.
245 A – Messages dated 03 October 2012 OD21/16 (Op Tuleta) SIL/79 from DS Gary Dalby, MPS109471001, p35, (undated).
246 Emails between Commander David Johnston, DAC John Yates and DCS David Cook, EDN001126001, 09-15 November 2006.
247 Copy of Covert Operations Security Unit report re debrief of Eaton N591 and Ward N11, MPS107463001, p7, 20 April 2007.

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2005.[248] Like DAC Janet Williams, it identified the fact that the Abelard Two Investigation lacked a Gold Group specifically to manage the debriefing process. The purpose of such a Gold Group was described in the report, as follows:[249]

> *'The role of this group chaired by a* [sic] *ACPO* [Association of Chief Police Officers] *ranking officer is essential to ensuring the integrity of any de-brief, the separation of the SIO* [Senior Investigating Officer] *in making decisions concerning the subject, the development of unconnected lines of inquiry arising from the de-brief and the coordination of the specialist units such as witness protection and prison intelligence. The Gold Group in addition has a vital role in the cost management, offender welfare, risk assessment review and ensuring planning for the longer-term re-location/risk management at the conclusion of court proceedings or the de-brief process.'*[250]

167. The report expressed concern that, in the absence of a Gold Group, DCS David Cook had assumed governance of the debriefing process for James Ward, alongside his role as Senior Investigating Officer of the enquiry.[251] There were consequences of his dual role, including:

i. the undertaking of under resourced tasks;

ii. lack of clarity of roles in the context of a lack of clear guidance as to tasking;

iii. misunderstandings about the cost of the debriefing processes (which had been estimated in November 2006 as being approximately £65,000 a month plus Witness Protection Unit costs which were estimated to be £100,000); and

iv. conflicts of interest as to the use and appropriateness of a witness in the debriefing process, a failure to control the witness, and a breach of the sterile corridor between the witness and the investigation team.

168. The report stated:

> *'Throughout Operation Abelard 2 DCS Cook has fulfilled the majority of these roles (those that a Gold Group would expect within its remit), and in doing so took additional responsibilities for which initially he had neither the resources nor funding. This led to a series of misunderstandings within Homicide Command regarding the ongoing costs of the investigation. This truncating of responsibilities also created a lack of clear role definitions of those engaged in the process, there was no written guidance regarding who had responsibility for each aspect of the debrief* [...]. *This is not to say that individuals within each aspect did not carefully document their own activity. Coordination however fell to DCS Cook who in this instance was also the SIO* [Senior Investigating Officer]. […]
>
> *'Whilst the overall outcome of* [James Ward] *was a sound evidential product, the issues identified would have been substantially reduced if not completely avoided if a Gold Group with a specific remit of managing the de-brief process had been in place. It is acknowledged that an oversight group chaired by AC Yates is in existence, but this group is mandated to deal with broad strategic issues affecting Operation*

248 Copy of Covert Operations Security Unit report re debrief of Eaton N591 and Ward N11, MPS107463001, p8, 20 April 2007.
249 Copy of Covert Operations Security Unit report re debrief of Eaton N591 and Ward N11, MPS107463001, p10, 20 April 2007.
250 Copy of Covert Operations Security Unit report re debrief of Eaton N591 and Ward N11, MPS107463001, p10, 20 April 2007.
251 Copy of Covert Operations Security Unit report re debrief of Eaton N591 and Ward N11, MPS107463001, pp10-11, 20 April 2007.

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Abelard 2, rather than the more specific and at times tactical management of a de-brief process.'[252]

169. The report continued:

> *'The SIO* [Senior Investigating Officer] *is perhaps not the right person to re-evaluate the use of the* [Assisting Offenders] *as they are focused on their investigation and its outcome when other considerations might dictate an alternate course of action. However, this is clearly not an issue that the oversight group chaired by an Assistant Commissioner should be required to adjudicate on. This type of issue is one that sits within the remit of the Gold Group.'*[253]

170. The report identified similar problems with the debriefing of Gary Eaton, with the additional complications that he was not in custody at the time of the debrief, and initially failed to comply with police instructions (see section 6.4 below).[254] In relation to Gary Eaton, the report stated the following:

> *'The absence of a Gold Group specifically to manage the process led to significant problems during the initial recruitment stage, the management of communications between the operational and de-brief teams and control of the subject and his family. It is acknowledged that DCS Cook endeavoured to put in place systems to maintain the integrity of the process within the resources available to him, but these served at best to limit the affects* [sic] *rather than eliminate them [sic]. Perhaps most significantly are the breaches of the sterile corridor between the operational team and the de-brief team which could be subject to adverse comment at any future legal proceedings.'* [255]

171. The report also raised the safety and welfare of both witnesses as a constant concern, stating the need for threat and risk assessments before arrests were carried out. It stated that a '*robust and monitored protocol*' should be *in place and reviewed in the period leading up to any trial*'. [256]

172. In identifying these significant problems, the report stressed that little or no structural planning had been undertaken by the Metropolitan Police in the period leading up to the enactment of the new legislation.[257]

173. The report made very extensive recommendations for the future conduct of the debriefing of Assisting Offenders under the Serious Organised Crime and Police Act 2005, relating to matters of command and control, operational security, fiscal control, threat and risk assessment, training, corporate policy/ standard operating procedures, and ethical issues.[258]

174. The report pointed out that DCS David Cook and other Metropolitan Police units were responding to a '*developing scenario*'.[259] It also noted that '*DCS Cook is more than aware of the structural deficiencies in the de-brief process employed*',[260] and that he had '*carefully documented his decision making process and taken together with other significant lines of*

252 Copy of Covert Operations Security Unit Report re debrief of Eaton N591 and Ward N11, MPS107463001, pp10-11, 20 April 2007.
253 Copy of Covert Operations Security Unit Report re debrief of Eaton N591 and Ward N11, MPS107463001, p11, 20 April 2007.
254 Copy of Covert Operations Security Unit report re debrief of Eaton N591 and Ward N11, MPS107463001, p11, 20 April 2007.
255 Copy of Covert Operations Security Unit Report re debrief of Eaton N591 and Ward N11, MPS107463001, p11, 20 April 2007.
256 Copy of Covert Operations Security Unit Report re debrief of Eaton N591 and Ward N11, MPS107463001, p11, 20 April 2007.
257 Copy of Covert Operations Security Unit report re debrief of Eaton N591 and Ward N11, MPS107463001, p11, 20 April 2007.
258 Copy of Covert Operations Security Unit report re debrief of Eaton N591 and Ward N11, MPS107463001, pp12-16, 20 April 2007.
259 Copy of Covert Operations Security Unit Report re debrief of Eaton N591 and Ward N11, MPS107463001, p11, 20 April 2007.
260 Copy of Covert Operations Security Unit Report re debrief of Eaton N591 and Ward N11, MPS107463001, p12, 20 April 2007.

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inquiry developed during the re-investigation he feels will enable him to re-butt [sic] *or qualify any suggestion of abuse of process and contamination of* [Gary Eaton's] *evidence*'.[261] This, it emerged, was an inaccurate statement.

175. In summary, the Report stated:

> *'It must be acknowledge*[d] *that DCS Cook and the Operation Abelard 2 team with no clear corporate guidance and finite resources have secured important evidence from these two individuals. The aspects identified as shortcoming by DCS Cook and his team in this review are in our opinion substantially, if not wholly due to these issues.'*[262]

176. Although the Serious Organised Crime and Police Act 2005 introduced new provisions, there had previously been processes for dealing with those who wished to assist the Crown in prosecutions, in return for some diminution of the penalty which would otherwise have applied to the offences which they admitted. The need for the introduction of processes to underpin the operation of the new legislation was, therefore, something of which the Metropolitan Police must have been aware. Clear guidance should have been put in place by the Metropolitan Police.

177. There was no separate Oversight or Gold Group for the debriefing processes, something recognised by the Covert Operations Security Unit and by DAC Janet Williams. Despite this, no Gold Group to manage the debriefing process was established. All this was the responsibility, ultimately, of AC John Yates. The identification in 2007 of the very significant problems in relation to the debriefing of these witnesses should have resulted in an immediate and effective response to prevent further difficulties. This did not happen.

4.2 The review of pre-existing lines of enquiry

4.2.1 Witnesses from the Golden Lion public house on 10 March 1987

178. The Abelard Two Investigation examined pre-existing lines of enquiry. They considered what had happened in the Golden Lion public house on the night of the murder. By 20 April 2006, the investigation had decided to identify details of the staff at the Dolphin public house (which was across the road from the Golden Lion public house and in which Daniel Morgan and Jonathan Rees had been drinking the night before the murder of Daniel Morgan), and at the Golden Lion public house at the time of the murder, with a view to re-interviewing them.[263] Some of the interviews with staff were generally subsequently declared to be unnecessary.[264,265,266] However, there was a review of the evidence provided by the barmaid in the Golden Lion public

261 Copy of Covert Operations Security Unit Report re debrief of Eaton N591 and Ward N11, MPS107463001, p12, 20 April 2007.
262 Copy of Covert Operations Security Unit Report re debrief of Eaton N591 and Ward N11, MPS107463001, p16, 20 April 2007.
263 Minutes of Office Meetings, MPS071803001, p2, 20 April 2006
264 Action A59 to interview and take statement if required from [...], MPS062819001,16 April 2007.
265 Action A60 to interview and take statement if required from [...], MPS062820001,16 April 2007.
266 Action A58 to interview and take statement if required from [...], MPS062818001, 16 April 2007.

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house, as well as that of Person T4, both of whom confirmed their previous evidence.[267,268] In addition to this, the owner of the car[269] parked near Daniel Morgan's body (see Chapter 1, The Morgan One Investigation) was asked whether he could explain the damage to his car which could be seen in a photograph taken on the night of the murder, which was shown to the owner.[270] The owner was unable to do so.[271]

179. A Detective Constable was tasked to review the statements made by D/Supt Douglas Campbell and DI Allan Jones, statements made by significant witnesses, and the statements and subsequent interview transcripts of suspects/persons of interest, as well as the full transcript of the Inquest.[272] The Detective Constable reported on 20 June 2006 describing the chronology of events and identifying the following issues:

i. Neither Daniel Morgan nor Jonathan Rees regularly used the Golden Lion public house, and few would have known they would be there;

ii. Both had been there, however, the previous evening;

iii. Their appearance there on that occasion might be suspicious but could be explained – according to Jonathan Rees, Daniel Morgan chose the venue to meet Paul Goodridge who had denied all knowledge of this meeting;

iv. Numerous associates of Daniel Morgan were surprised that he parked '*his (coveted) BMW'* in a dark car park;

v. Jonathan Rees stated that Daniel Morgan had been writing on a piece of paper, but no pen or pencil had been found in Daniel Morgan's possession;[273] and no personal diary or notebook, which he normally carried, had been found in Daniel Morgan's possession or his business premises;

vi. On the day of his death, 10 March 1987, Daniel Morgan had worn a newly dry-cleaned suit. The right trouser pocket had been severely torn, and '*suggestions to explain this have been proffered*'. The Detective Constable suggested forensic examination of the pocket area inside and out for DNA;

vii. There were inconsistencies in phone calls made by Jonathan Rees.[274] (These had already been identified – see, in particular, Chapter 3, The Hampshire/Police Complaints Authority Investigation.)

180. The Detective Constable also identified several individuals who might be worth revisiting for information.[275]

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267 Witness statement of the barmaid, MPS075515001, pp1-2, 21 March 2007.
268 Action A520 to trace Person T4 at his business address, MPS064284001, 02 November 2006.
269 The owner of the Morris Marina Estate.
270 Witness statement of the owner of Morris Marina Estate, MPS077662001, pp1-3, 24 September 2009.
271 Witness statement of the owner of the Morris Marina Estate, MPS077662001, pp1-3, 24 September 2009.
272 Chronology of events 1987, MPS102362001, p2, 20 June 2006.
273 A Parker pen which may have belonged to Daniel Morgan was found, in amongst other items, in a single twisted swan neck sealed plastic bag in 2016. The items came into the possession of the police on 18 March 1987. The items had been placed in Daniel Morgan's car in March 1987 until its removal to West Hendon Pound for storage in August 1987. The plastic bag was placed in the Property Store in August 1987. The single twisted swan neck sealed plastic bag was brought to the attention of DS Gary Dalby in 2014. He arranged for it to be delivered to him. It was sent to DS Gary Dalby from Deep Storage on 22 April 2016. MPS109531001, pp1-14, various dates
274 Chronology of events 1987, MPS102362001, pp2-4, 20 June 2006.
275 Chronology of events 1987, MPS102362001, p3, 20 June 2006.

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181. All previous statements were reviewed to clarify the movements of customers in the Golden Lion public house and to identify issues requiring further investigation.[276]

182. A significant number of enquiries were made following this review and during the ensuing investigation. Nothing new, of assistance to the investigation, emerged from the enquiries into the Golden Lion public house.

4.2.2 The review of forensic evidence and the consequential forensic work

183. An independent company, LGC Forensics, was engaged to carry out the forensic review. A Forensic Scientist with LGC Forensics provided a full forensic strategy to the Abelard Two Investigation on 20 July 2006.[277] The Forensic Scientist made the following recommendations:

i. The Forensic Scientist would meet the Forensic Manager to agree an appropriate examination strategy for the axe, would seek appropriate advice from a fingerprint expert, and would consider swabbing the join (of the axe head and handle) and underneath six small stickers, which were on the handle of the axe, for DNA. The Forensic Scientist advised that because of multiple previous treatments and handling by previous investigations, the plasters on the axe[278] were unsuitable for DNA sampling.[279]

ii. That a sample of a small bloodstain on the exposed lining to the right of the back right pocket of Daniel Morgan's trousers[280] should be sent for DNA profiling.[281] The Forensic Scientist also noted that cellular material from the damaged area of the trousers had not yet been submitted for DNA testing.

iii. That the Forensic Scientist would organise a location and obtain a mannequin for the purposes of the reconstruction of the murder, in order to identify areas possibly touched by offender(s), and the subsequent submission of cellular material from the areas identified. [282]

iv. When DNA samples from Daniel Morgan's jacket, trousers, shirt and tie had been taken, his clothing would be examined for the presence of saliva from the offender(s).[283]

v. Further research would be carried out at LGC Forensics to evaluate fully the significance of any findings should any DNA belonging to someone other than Daniel Morgan be identified on his suit.[284] (Daniel Morgan's suit had been worn for the first time after dry cleaning, on the day of his murder.)

vi. That further examination of hair fragments and comparison with Daniel Morgan's hair sample should not take place at that point.[285]

276 Schedule of staff and customers at Golden Lion public house, MPS102822001, pp1-9, undated.
277 Proposed forensic examination strategy, MPS005314001, pp1-2, 20 July 2006.
278 Plasters (PT/1), Proposed forensic examination strategy, MPS005314001, p1, 20 July 2006.
279 Proposed forensic examination strategy, MPS005314001, p1, 20 July 2006.
280 Trousers (CB/2), Proposed forensic examination strategy, MPS005314001, p1, 20 July 2006.
281 Proposed forensic examination strategy, MPS005314001, p1, 20 July 2006.
282 Proposed forensic examination strategy, MPS005314001, p2, 20 July 2006.
283 Proposed forensic examination strategy, MPS005314001, p2, 20 July 2006.
284 Proposed forensic examination strategy, MPS005314001, p2, 20 July 2006.
285 Proposed forensic examination strategy, MPS005314001, pp1-2, 20 July 2006.

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184. The Abelard Two Investigation team agreed to this strategy and advised that they were looking particularly for the DNA of Garry Vian, Glenn Vian and James Cook, and therefore that any relevant traces which could be considered of value against their profile must be pursued.[286]

185. James Cook and Glenn Vian were arrested and interviewed on 04 August 2006.[287,288] Garry Vian was arrested from prison on 05 September 2006.[289] During very brief interviews, all three suspects were asked if they had ever touched the axe used to murder Daniel Morgan. All three responded '*No comment*' to the questions they were asked, and Garry Vian said that he knew nothing about the murder and had no questions to answer.[290,291,292] Their fingerprints and DNA samples were taken[293,294,295] for the purposes of the forensic investigation which was conducted.

186. The Abelard Two Investigation team also advised that the cellular material recovered from the damaged area of the trousers should be submitted for DNA analysis; that there should be a meeting to determine the sequence of forensic examinations of the axe; and the reconstruction of the murder should go ahead.[296]

187. On 06 September 2006, a reconstruction of the murder of Daniel Morgan took place at the Peel Centre, Hendon.[297] Dr Michael Heath, who had conducted the post mortem examination of Daniel Morgan's body, had stated that '[t]*here was a tear down the upper third outer seam of the right leg, which also involved the right pocket* […]'.[298] In a subsequent statement, he had said that the '*tearing of the seam around the right pocket could have been caused whilst the deceased was attempting to defend himself and remove his hand rapidly from his right pocket*'.[299]

188. The purpose of the reconstruction was to attempt to establish:

i. the direction of the attack;

ii. the cause of damage to the trousers;

iii. any potential forensic opportunities from the victim's clothes or the axe; and

iv. any further information which could assist the investigation.[300]

189. It had proved impossible to secure a suit identical to that worn by Daniel Morgan. Two similarly styled, second-hand, pure new wool suits were purchased for the reconstruction.[301] The two suits were not the same size as Daniel Morgan's suit, and the Forensic Scientist with LGC Forensics subsequently stated that this had been taken into account in reaching their findings.

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286 Agreed forensic examination strategy, MPS006007001, p1, undated.
287 Custody Record for James Cook, MPS006979001, pp1-7, 04 August 2006.
288 Custody Record for Glenn Vian, MPS006978001, pp1-7, 04 August 2006.
289 Custody Record for Garry Vian, MPS102503001. pp1-6, 05 September 2006.
290 Record of Interview with Glenn Vian, MPS000683001, 04 August 2006.
291 Record of Interview with James Cook, MPS000691001, 04 August 2006.
292 Record of Interview with Garry Vian, MPS074954001, 05 September 2006.
293 Custody Record for James Cook, MPS006979001, p3, 04 August 2006.
294 Custody Record for Glenn Vian, MPS006978001, p4, 04 August 2006.
295 Custody Record for Garry Vian, MPS102503001, p4, 05 September 2006.
296 Agreed forensic examination strategy, MPS006007001, p1, undated.
297 Message re reconstruction 06 September 2006, MPS005331001, p1, 12 September 2006.
298 Witness statement of Michael Heath, MPS010643001, p2, 02 April 1987.
299 Witness statement of Michael Heath, MPS021632001, pp1-2, 16 May 1989.
300 Message re reconstruction 06 September 2006, MPS005331001, p1, 12 September 2006.
301 Message M148 […] regarding obtaining a suit of the same manufacture/style/size etc as worn by Mr Morgan for use in a reconstruction process to assist in identifying areas for DNA examination and also the manner of assault, MPS072968001, pp1-2, 19 August 2006.

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The reconstruction was videoed. Four experiments were conducted using the two pairs of trousers. One pair of trousers was used for experiments 1 and 2 and was of a different design from the other pair, which were used for experiments 3 and 4.[302]

190. The victim was played by a man who was 5'6" tall, and weighed 9 stone 10lbs, using the two pairs of trousers of a similar style and fabric to those worn by Daniel Morgan on 10 March 1987.[303]

191. Four experiments were conducted as follows:

i. The victim was lying facing upwards on the ground. The attacker was to the left of the victim. The attacker pulled the right pocket with his right hand.

ii. The victim was lying facing upwards on the ground. The attacker was astride the victim and the attacker ripped the left pocket with his right hand.

iii. The victim was lying facing upwards on the ground. The attacker was to the right of the victim. The attacker's left hand grabbed the back of the right pocket, and his right hand grabbed the front of the right pocket, pulling in opposite directions.

iv. The victim was standing and resisting, while the attacker pulled the left pocket.

192. Different scenarios were enacted to test three hypotheses and thereby to identify possible areas for forensic analysis. The hypotheses related to the causes of the damage to the trousers. They were as follows:

i. '*The victim's body could have been fitting whilst someone was trying to get something out of the pocket.*[304]

ii. *The trousers could have been ripped to make the attack look like a robbery (assailant may have been unaware that there was money in the other trouser pocket).*

iii. *The pocket may have been ripped whilst trying to get something out of the pocket in a panic* – [it was] *stated that when a person is under stress/adrenalin rush they are unable to carry out delicate movements and therefore tend to be heavy handed.*'[305]

193. The possibility of a transfer of saliva from the attacker to Daniel Morgan's clothing was considered. The Forensic Scientist explained that Daniel Morgan's suit jacket could be screened for saliva, but that this could not be done until all attempts to retrieve DNA from touching the jacket had been completed.[306] A pathologist who was consulted said that the mouth can dry up in times of increased stress, reducing the likelihood of finding the attacker's saliva on the suit.[307]

194. The Forensic Scientist described the damage to Daniel Morgan's trousers in a statement of 16 May 2007, noting that: '[t]*here was no evidence of cuts to the garment. There were no dirty marks or scuff marks that may indicate that Daniel MORGAN was dragged, knelt down or was involved in a struggle whilst on the ground*';[308] and that there was,

302 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, pp3-5, 06 September 2006.
303 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, p3, 06 September 2006.
304 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, p2, 06 September 2006.
305 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, p2, 06 September 2006.
306 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, p5, 06 September 2006.
307 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, p5, 06 September 2006.
308 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, p12, 16 May 2007.

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'a large tear to the right outside leg which extended from the waistband to approximately halfway down the leg. The front right belt holder had partially come away from the waistband, along with some of the trouser fabric below the front right region of the waistband. Some loose threads were still present within the stitch holes along the right side seam and waistband. The white fabric pocket lining was partially torn along the side seam. A small tear was also present in the fabric to the right of the back right pocket.'[309]

195. The Forensic Scientist recorded the following observations:

1. *'If the "victim" was stood [sic] upright and a forceful tug or pull was applied to his left or right side trouser pocket, then the "victim" would be pulled in the direction of the tug/pull and little or no damage would be produced in the trousers, unless a force in the opposite direction to the tug/pull was applied. The opposite force could be as a result of the "victim" being restrained from behind or the "victim" pulling himself in the opposite direction to the tug/pull. If, however, the "victim" was lying on the ground, the weight of the "victim" would most likely be sufficient force to enable the "assailant" to tug/pull in the opposite direction and produce a tear in the trousers.*

2. *When the "victim" was stood upright, the lower front of his jacket would largely obscure the openings to his left and right side pockets, making it more difficult for the "assailant" to grab the pocket in order to tear it open.*

3. *More than one forceful tug/pull was required to tear the trousers to the extent that Daniel MORGAN's trousers were torn.'*[310]

196. Reflecting on the reconstruction exercises, the Forensic Scientist concluded that the findings suggested that the damage to Daniel Morgan's trousers was unlikely to be accidental and more likely to be the result of a deliberate attempt to tear open the pocket.[311]

197. Since the two pairs of trousers used for the experiment were each used on two occasions, by the second experiment there was a possibility that they had been weakened as a consequence of the first experiment and were therefore easier to tear. If the experiments were to have some validity, then a separate pair of trousers should have been used for each experiment.

Two valid explanations were proffered by the Forensic Scientist: that the victim was lying on the ground and that the trouser pocket could have been pulled or tugged; and that there was a deliberate attempt to tear open the pocket.

If there had been an attempt to move Daniel Morgan's body, that would possibly, on the Forensic Scientist's evidence, have resulted in the tear which existed after he was murdered. That would not have been the result of a deliberate attempt to tear open the pocket, but rather the consequence of an attempt to move the body. The evidence of the Forensic Scientist is unclear in this respect.

309 Witness statement of the Forensic Scientist with LCG Forensics, MPS078620001, p12, 16 May 2007.
310 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, p22, 16 May 2007.
311 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, p22, 16 May 2007.

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198. The minutes of the reconstruction exercise recorded the following:

i. The absence of defence wounds indicated that Daniel Morgan was attacked from behind, but that this could not be said with any certainty.[312]

ii. The group of three wounds to the top back of the head, and the two wounds to the right cheek or side of the face, were of similar orientation and were most likely to have been caused in close succession. [313]

iii. It was not possible to determine the precise order of the blows, but the last injury inflicted with the axe was that to the cheek.[314]

iv. Both the Pathologist and a Biomechanics Expert agreed that it was not unusual for a person having been struck from behind to be lying face upwards. The Pathologist noted that head injuries could cause a person to fit, and therefore Daniel Morgan's body may have moved into this position at some point after the final blow was delivered.[315]

v. The Pathologist could not determine whether the attacker was left- or right-handed, nor was it possible to determine the possible height range of the assailant.[316]

199. The Pathologist acknowledged that while the victim could have remained conscious following the attack, it was '*unlikely (but is still possible)*'. He also stated that it would not be necessary to hold on to someone to inflict these injuries, although the attacker may have held on to Daniel Morgan during the attack. In July 2009, an expert in bloodstain pattern interpretation at LGC Forensics provided a statement which specified the following:

> *'In my opinion the appearance and distribution of blood staining on or around Daniel Morgan's body indicate that at some point after receiving his injuries, including the blow which left the axe embedded in his face, Mr Morgan has had his face turned to the left, and has expirated blood. One way in which blood could have been expirated is through Mr Morgan continuing to breathe, but I cannot rule out other causes such as compression to his chest.*
>
> *'In my opinion the appearance and distribution of the blood staining neither supports nor refutes the assertion that he was lying on his left side after receiving his injuries. If he had lain on his left side, then in my opinion this could only have been for a brief time before there was a significant accumulation of blood on the ground'.*[317]

200. The following areas of Daniel Morgan's clothing were identified, during the reconstruction referred to above, for touch DNA sampling:

i. the upper outside surface, and inside bottom half, of Daniel Morgan's jacket;

ii. the upper, outside surface of Daniel Morgan's trousers, the thigh region; and

312 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, p2, 06 September 2006.
313 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, p2, 06 September 2006.
314 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, p2, 06 September 2006.
315 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, p1, 06 September 2006.
316 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, pp1-2, 06 September 2006.
317 Statement of bloodstain expert, MPS000487001, p5, 22 July 2009.

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iii. the lower, outside surface of Daniel Morgan's shirt covering the abdomen.[318]

201. The statement of the LGC Forensic Scientist showed that a number of experiments were conducted using the exhibits available, including the axe used to kill Daniel Morgan, DNA samples, clothing, photographs and letters, and various other extraneous materials such as hairs, fibres, frozen extracts and '*tapings*'.[319] This was in an attempt to secure scientific findings which might have assisted in determining the circumstances surrounding the murder of Daniel Morgan.[320]

202. The only DNA (STR) profile[321] identified during this process was that of Daniel Morgan. Minor DNA components secured did not match any of the 31 individuals profiled in the case.[322]

203. The Forensic Scientist stated that the tapings[323] from the plasters[324] consisted of four pieces of transparent plastic sheet and two small dishes containing some other fibres and debris which appeared to be heavily stained with blood.[325] The plastic sheets were labelled Tape 1 to 4 and subsequently examined. A single minor DNA component was recovered from Tape 3 from the axe. It was recorded as occurring in approximately 50 per cent of the population and was therefore of negligible significance.[326]

204. Over 299 hairs were recovered. The Forensic Scientist, in a statement of May 2007, stated that more than 50 hairs had previously been recovered from Daniel Morgan's head[327] and approximately 50 from his face.[328,329] The Forensic Scientist further stated that 57 were recovered from his trousers,[330] 90 from his shirt,[331] 49 from his jacket,[332] and three from the axe tapings.[333] All were examined and most were suitable for mitochondrial DNA profiling.[334,335] The three hairs from the axe tapings included one light brown hair, approximately one centimetre in length, found under the adhesive tape on Tape 4: this hair was suitable for mitochondrial DNA

318 Minutes from Operation Tulip Reconstruction meeting at Police Training Centre, Hendon, MPS079527001, pp4-5, 06 September 2006.
319 The process of taping involves recovering hairs and fibres by taping the item with pieces of adhesive tape, which can subsequently be fixed to pieces of transparent film or acetate: Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, p10, 16 May 2007.
320 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, p7, 16 May 2007.
321 STR (Short Tandem Repeat) profiling is a sensitive DNA analysis technique. A DNA (or STR) profile obtained from a human body fluid such as blood or saliva can be compared with the STR profile of a given person. If the profiles are different then the body fluid could not have originated from the person in question. If, on the other hand, the STR profiles are the same then that individual, and anyone else who shares the same profile, can be considered as a possible source of the body fluid. The significance of finding such a match can then be assessed. (See Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, pp8-9 and 27, 16 May 2007.)
322 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, pp11-25, 16 May 2007.
323 Tapings exhibited as AND/102
324 Plasters exhibited as PT/1
325 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, p19, 16 May 2007.
326 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, pp-20-21, 16 May 2007.
327 Sample of head hair exhibited as MJH/2
328 Sample of facial har exhibited as MJH/3
329 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, pp22-23, 16 May 2007.
330 Trouser exhibited as CB/2
331 Shirt exhibited as CB/7
332 Jacket exhibited as CB/6
333 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, pp23-24, 16 May 2007.
334 While 'STR Profiling' and 'Enhanced STR Profiling' are techniques which examine DNA which is present in the nucleus of cells, called 'Nuclear DNA', Mitochondrial DNA profiling examines DNA in small bodies in the cells, called mitochondria, which are responsible for producing energy in the cell. Mitochondrial DNA techniques are not as discriminating as nuclear DNA techniques such as STR profiling. This is because although mitochondrial DNA is present in both men and women, it is passed down the maternal line only. Consequently, siblings who share the same mother will have identical mitochondrial DNA, and as a result there can be many people in the population who share the same mitochondrial DNA. Mitochondrial DNA profiling has an important advantage over nuclear DNA profiling, in that mitochondria are resistant to degradation, and therefore it can be very useful in analysing old or degraded samples. It is also very useful in analysing hairs, which contain little or no nuclear DNA (see Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, pp9-10, 16 May 2007).
335 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, pp22-24, 16 May 2007.

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analysis and a profile was obtained.[336] In May 2008, a Forensic Scientist with Cellmark Forensic Services stated that this profile did not match those of Daniel Morgan, Garry Vian, Glenn Vian, James Cook or Gary Eaton.[337]

205. The two packets of crisps found near Daniel Morgan's body were examined. Partial DNA was obtained but it did not match the DNA of any known individuals.[338]

206. A letter and envelope were examined but no meaningful DNA was extracted.[339] This was an anonymous handwritten letter which was received in a stamped envelope in July 2002. The letter was from an anonymous author who wrote about being threatened with an axe by the owner of a shop on Sydenham Road.[340]

207. An examination of the banknotes indicated the possible presence of DNA from more than one individual, and in the opinion of the LGC Forensic Scientist, the DNA of Daniel Morgan could have contributed to the result.[341]Daniel Morgan's shoes were sent for further forensic examination to determine whether a DNA profile could be obtained using a new test. No new DNA profile was obtained.[342]

208. Extensive efforts were made to recover evidence from the forensic exhibits associated with the murder of Daniel Morgan. However, although some information was retrieved, it did not add significantly to the existing available information and it did not, in itself, provide conclusive additional evidence of the way in which, or by whom, Daniel Morgan was murdered.

209. Further enquiries were made by the Metropolitan Police in 2009 in an attempt to derive evidence using mitochondrial DNA, following developments in forensic science. The Forensic Scientist with Cellmark Forensics Services stated that they had been requested to prepare mitochondrial DNA sequences from mouth swabs taken from two individuals,[343] and compare them with a hair sample recovered from the axe[344] to establish if the hair could originate from either of these people.[345] The forensic scientist concluded that '[t]*he mitochondrial DNA sequencing results indicate that the hair (AND/102 area 2) could have originated from Paul GOODRIDGE, Kim VIAN or any individual related to them by the maternal line*'.[346] However, the findings of this exercise were subsequently dismissed in January 2014 when it was concluded that the mitochondrial sequence from the hair sample was similar to that of Daniel Morgan who '*cannot be excluded from being the source*'.[347]

336 Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, p24, 16 May 2007.
337 Witness statement of a forensic scientist with Cellmark Forensics Services, MPS079029001, pp3-4, 27 May 2008.
338 DNA status report, MPS005380001, p4, 05 September 2008.
339 DNA status report, MPS005380001, p5, 05 September 2008; Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, p24, 16 May 2007.
340 Copy of letter, MPS061292001, July 2002.
341 DNA status report, MPS005380001, p5, 05 September 2008; Witness statement of the Forensic Scientist with LGC Forensics, MPS078620001, pp24-25, 16 May 2007.
342 Witness statement MPS003719001, 21 December 2009.
343 Paul Goodridge and Kim Vian.
344 (exhibit AND/102 Hair from axe – area 2)
345 Witness statement of the forensic scientist with Cellmark Forensics Services, MPS079030001, p2, 23 July 2009.
346 Witness statement of the forensic scientist with Cellmark Forensics Services, MPS079030001, pp2-3, 23 July 2009.
347 LGC forensic report on mitochondrial DNA analysis of tapings from plasters (AND/102), MPS108131001, pp1-2, 29 January 2014.

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210. The Panel noted that further enquires were made by the Metropolitan Police into whether there were any additional forensic possibilities, with regard to the murder weapon, Daniel Morgan's clothing and associated material, arising from any recent advances in DNA technologies. The LGC Forensic Scientist considered but rejected any further DNA analysis on the basis of limited or degraded samples.[348]

211. The Panel sought an analysis of the forensic science work done throughout the investigation of Daniel Morgan's murder from Dr Kathryn Mashiter, an independent expert in forensic science. In the context of the Abelard Two Investigation, she stated the following:

i. The review was '*extensive and extremely thorough*'.[349]

ii. The review had involved scientists from a number of different disciplines. Unfortunately, exhibits had been lost over the years and the continuity and integrity of the exhibits had been compromised.

iii. The experiment to ascertain how the damage to the trousers was caused utilised two pairs of different trousers. Four identical pairs of trousers should have been used for the four scenarios. This would have made the reconstruction more meaningful.

iv. There is a report that the hem of Glenn Vian's trousers[350] had been repaired with red thread. There is no mention of a comparison with the red viscose fibres from the axe. A request was made to the Forensic Scientist of LGC Forensics to check the fibres and review forensic possibilities. There is no report eliminating the red thread identified on Glenn Vian's trousers.[351]

212. Dr Kathryn Mashiter concluded that the attempts by the Abelard Two Investigation to seek further evidence '*was marred by the inadequacy of previous investigations extending right back to the crime scene. Even if significant forensic evidence had been found it probably would not have stood up to scrutiny in relation to integrity, continuity, contamination etc*'.[352]

4.2.3 The review of surveillance material previously gathered

213. The material gathered during previous surveillance by Operation Two Bridges in 1999, and between June and December of 2002 by the Abelard One Investigation, was examined by the Abelard Two Investigation. Audio probes had been placed in the homes of Glenn Vian and Person P9, and in James Cook's car in 2002. All three had also been targets of periodic conventional surveillance.[353] In June 2002, Jonathan Rees was in prison, so no such proactive evidential opportunities existed in relation to him.[354,355] The products of this surveillance are discussed in Chapter 6, The Abelard One/Morgan Two Investigation.

214. The material was examined by the Abelard Two Investigation using enhanced audio equipment to see whether anything further could be gained from the tapes. Nothing of evidential value was secured as a consequence of this exercise.

348 Email from the Forensic Scientist with LGC Forensics, MPS109496001, p66, 06 October 2015.
349 Report of Dr Kathryn Mashiter, Forensic Review of Daniel Morgan investigation 2019, PNL000181001, p9, May 2019.
350 Trousers (KD27), Report of Dr Kathryn Mashiter, Forensic Review of Daniel Morgan investigation 2019, PNL000181001, p10, May 2019.
351 Report of Dr Kathryn Mashiter, Forensic Review of Daniel Morgan investigation 2019, PNL000181001, pp9-10, May 2019.
352 Report of Dr Kathryn Mashiter, Forensic Review of Daniel Morgan investigation 2019, PNL000181001, p16, 10 May 2019.
353 Operation Abelard Briefing Note, MPS049823001, pp1-7, 09 July 2002.
354 Closing Report for Operation Two Bridges by a Detective Sergeant, MPS099294001, p46, 20 July 2001.
355 Abelard II, Report to the Crown Prosecution Service, MPS103338001, p115, 13 June 2007.

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5 The new investigation: covert surveillance

215. As stated previously, the strategy for the Abelard Two Investigation included conducting surveillance at Glenn Vian's house. This occurred between May and August 2006. On 19 April 2006, a document was drafted setting out provisions for compliance with requirements of covert and intrusive surveillance.[356] The necessary authorities were obtained to place, monitor, maintain and remove a covert listening device. In order to enable the surveillance, the house next door to Glenn Vian's house was purchased by the Metropolitan Police.

5.1 Information from covert surveillance at Glenn Vian's house

216. On 23 May 2006, A/DCI Noel Beswick recorded a decision establishing a Monitoring Policy Document providing a full protocol for the management of covert audio material. Authority was granted to conduct surveillance on Glenn Vian and his wife, Kim Vian, and other relevant subjects.[357]

217. The first conversations were recorded on 07 June 2006, however DCS David Cook noted that, as the recording process continued, it became clear that Glenn Vian was suspicious of activity around the house next door and accordingly he was continually guarded in what he said.[358]

218. On 15 June 2006, as stated above, a letter was sent to James Cook through his solicitor asking him to provide information under the Serious Organised Crime and Police Act 2005.[359] On 22 June 2006, James Cook's solicitor replied saying that if police wanted to speak to James Cook as an arrestee he would attend the police station by appointment. [360] This was relevant as it might have provoked some discussion between the Vians.

219. On 15 June 2006, DCS David Cook visited Sharon Vian (Jonathan Rees's former wife and sister of Glenn Vian and Garry Vian) at her home, with a view to prompting conversation at Glenn Vian's home, and also to see whether Sharon Vian might be more willing, or able, to speak to police.[361] The visit prompted discussions including a telephone call between Sharon Vian and Kim Vian on 18 June 2006, however no incriminating conversation was recorded.[362] Significantly, during the telephone call on 18 June 2006, Kim Vian said that she believed that people who visited the adjacent empty property were, '*coppers from Hendon*' and she speculated whether their house was bugged.[363] It is possible that the reference to '*coppers from Hendon*' derived from the fact that the Abelard One/ Morgan Two Investigation had been based at Hendon.

220. On 23 June 2006, Kim Vian was recorded as telling someone on the telephone that '*Trish has rung. Wardy* [James Ward] *has turned Supergrass, if he thinks he knows everything, tell them.*'[364]

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356 Operation Abelard II, Covert Monitoring Post Protocols, MPS107623001, p4, 19 April 2006.
357 Operation Abelard II, Covert Monitoring Post Protocols, MPS107623001, pp42-43, 19 April 2006.
358 Abelard II, Report to the Crown Prosecution Service, MPS103338001, p192, 13 June 2007.
359 Letter written to James Cook's solicitor from DCS David Cook regarding James Cook knowledge about Daniel Morgan murder, MPS072266001, p2, 15 June 2006.
360 Letter to DCS Cook from James Cook's solicitor regarding their client James Cook desire not to assist the enquiry, MPS072320001, p2, 22 June 2006.
361 Abelard II, Report to the Crown Prosecution Service, MPS103338001, p193, 13 June 2007.
362 Abelard II, Report to the Crown Prosecution Service, MPS103338001, pp193-194, 13 June 2007.
363 Abelard II, Report to the Crown Prosecution Service, MPS103338001, pp193-194, 13 June 2007.
364 Audio Summary (23 June 2006,1.03pm – 24 June 2006, 5.33am) by a Detective Constable, MPS000825001, p2, 23 June 2006.

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5.1.1 Cops in 'kill' plot – 12 July 2006

221. On 12 July 2006, an article was published in *The Sun* newspaper, at the request of the Metropolitan Police, regarding the creation of a '*SECRET police "ghost squad"*' to conduct an investigation into the murder of Daniel Morgan.[365] The intention was to prompt conversation which could then be recorded. A conversation was recorded on 17 July 2006, between PC Dean Vian, Garry Vian's stepson and a serving police officer, and Glenn Vian. PC Dean Vian told Glenn Vian about the newspaper article in *The Sun* newspaper, and they discussed letters which had been sent to various parties by the Abelard Two Investigation seeking information.[366] Sharon Robinson, formerly Vian until her divorce from Garry Vian, had received such a letter and Glenn Vian said she had passed it on.

222. On 31 July 2006, Glenn Vian began to cut back ivy covering a fence at the back of his property, and in doing so he discovered a microphone which had been planted by the Abelard Two Investigation team.[367] There is nothing within the papers available to the Panel to suggest that Glenn Vian's discovery of this microphone was anything other than fortuitous on his part. There is certainly no evidence that he was 'tipped-off' that he would find something if he were to cut the ivy back. Indeed, discussions captured on the probes after he found the microphone suggested genuine surprise and anger that the police had been listening to them, and they even speculated that the microphone may have been in place since 2004,[368] when Garry Vian and James Ward had been arrested for conspiracy to supply drugs.[369] DCS David Cook recorded that the discovery of the microphone prompted substantial conversation, with Glenn Vian and Kim Vian speculating again that the people visiting the adjacent property were police officers.[370] It was also discussed between Glenn Vian and his nephew Sean Vian.[371] Sean Vian, a serving soldier, confirmed that what Glenn Vian had found was a 'bug' and offered to take it to someone for verification.[372]

223. On 01 August 2006, Glenn Vian was recorded talking about a letter he had received from DCS David Cook inviting him to attend a police station for interview about Daniel Morgan's murder. He speculated that the police wanted to obtain a sample of his DNA, and that the likely outcome of him attending the police station would be that he would be arrested and charged with the murder. He denied that he had had any involvement in the murder and talked about only having met James Ward (whom they thought had turned into a '*Supergrass*') '*on ten to twelve occasions*'.[373]

365 Cops in 'kill' plot', *The Sun* newspaper, MPS108253001, p1, 12 July 2006.
366 Audio Summary of covert recording of conversations between Kim, Dean and Glenn; Venue A (5.50 pm-9.52 pm), MPS009981001, pp2-6, 17 July 2006.
367 Abelard II, Report to the Crown Prosecution Service, MPS103338001, pp200-201, 13 June 2007.
368 Abelard II, Report to the Crown Prosecution Service, MPS103338001, pp200-201, 13 June 2007.
369 Case summary R v Ward & Vian', MPS092231001, p6, undated; Custody record of Garry Vian, MPS079771001, 24 August 2004; and, Custody record of James Ward, MPS091118001, 24 August 2004.
370 Abelard II, Report to the Crown Prosecution Service, MPS103338001, pp200-201, 13 June 2007.
371 Witness statement of a Police Constable, MPS000480001, p2, 27 May 2009.
372 Monitoring Transcript Product A 04.31pm – 06.31pm – Exhibit No EOA/A/020806/TR/0001, MPS102397001, p5, 31 July 2006.
373 Abelard II, Report to the Crown Prosecution Service, MPS103338001, pp202-210, 13 June 2007.

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224. In relation to police wanting to obtain his DNA, Glenn Vian was also recorded saying: '*It's only immaterial. Right. For it to be material ....(?).... I would have had to Fucked up, big time. Trust me. Unless someone puts my DNA there which I don't think they are too clever for ..... (?) ..... I don't know it's as simple as that.*'[374] DCS David Cook interpreted these words as follows:

> *'Glenn VIAN is clearly discussing the murder of Daniel MORGAN and the subject of DNA. It is highly significant that he states, "For it." (he is talking about his DNA) "to be material ..... (?) ..... I would have had to had fucked up big time." If as the evidence suggests, Glenn VIAN is the killer then he would know the precautions taken, the tape around the axe, whether gloves were worn etc.'*[375]

DCS David Cook concluded that Glenn Vian's comments were '*tantamount to admitting involvement whilst remaining confident he* [Glenn Vian] *has not left any traces behind*'.[376]

225. On 02 August 2006, Glenn Vian was heard speaking about Jonathan Rees: '*He bats for both sides of the fence JONATHAN REES.... he mixed with bent old bill.*'[377] He spoke also about his fear of '*taking the blame for ...because they can't get who they want for it JONATHAN REES or whatever*'.[378] The following day, Kim Vian and Glenn Vian spoke again about the issue, talking about who Glenn Vian could put in the frame in order '*to get out of it*'. Kim Vian said, '*and SID FILLERY is all fucking bent old bill that's done this.*' [379]

226. On 03 August 2006, there was further conversation between Kim Vian and Glenn Vian, during which Glenn Vian said, among other things, '[w*hat they do, immunity, immunity to everybody except for the fucking … man that had it sorted,* [former DS Sidney Fillery]'.[380] There was no admission of liability during the various conversations, rather there was ongoing concern about arrests and what might happen during and after any arrest.

227. Nothing to assist the investigation of the murder of Daniel Morgan emerged during the recording at Glenn Vian's house. The comments and interpretations made by DCS David Cook in the report which he submitted to the Crown Prosecution Service in June 2007, summarising the material derived from the 2002 and 2006 surveillance, appear balanced, and properly identified when such material potentially hindered or helped the Crown's case against the Defendants.

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374 Audio summary, MPS108805001, p6, 01 August 2006.
375 Abelard II, Report to the Crown Prosecution Service, MPS103338001, p208, 13 June 2007.
376 Abelard II, Report to the Crown Prosecution Service, MPS103338001, p208, 13 June 2007.
377 Monitoring Transcript Product, MPS009934001, p3, 02 August 2006.
378 Monitoring Transcript Product, MPS009934001, p3, 02 August 2006.
379 Arrest and interview package re. Glenn Vian, MPS103918001, p225, 03 August 2006.
380 Monitoring Transcript Product A – 03 August 2006 3.45 pm – 04 August 2006 7.15 am – Exhibit No AMB/A/100806/TR/0001, MPS102425001, p5, 03 August 2006.

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6 Witnesses

228. The Abelard Two Investigation reviewed the evidence previously provided by witnesses and interviewed a very significant number of them. Several new witnesses were also identified, some of whom provided evidence about police corruption as well as the murder of Daniel Morgan. Although in some cases their evidence was not used, the most important of the witnesses interviewed by police during the Abelard Two Investigation were:

i. James Ward

ii. Person F11

iii. Kevin Lennon

iv. Gary Eaton

v. Person S15

vi. Former Police Officer N21

vii. Person X8

viii. Person D6

ix. Person J5

x. Person B18

xi. Former PC Dean Vian.

6.1 James Ward

229. James Ward had a long history of involvement with organised crime. He had previously provided information to the police, which resulted in substantial reductions in sentence and quashing of fines imposed on him.[381] He had also made serious allegations about police corruption to officers of the Metropolitan Police in 1996. An authorised[382] recorded meeting with James Ward had taken place on 30 January 1996 at which James Ward had spoken about giving £50,000 to a police officer.[383]

230. In October 1999, police had received information from William Newton, who had become Southern Investigations' bookkeeper after Kevin Lennon had been imprisoned. William Newton had alleged that James Ward had said that Jonathan Rees had paid for the murder and that 'Jimmy Green' (whom the police later construed to be James Cook) was the driver of the '*get away*' car.[384]

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381 On 02 December 1986, after his arrest and charge for possession of 503kgs of cannabis, he had provided information to the police which led to the recovery of other Class A drugs. The judge hearing his case had been informed of his cooperation with the police. His sentence of seven years' imprisonment and a fine of £100,000 had been reduced by the judge to two years, and the fine had been quashed.
382 Application for the use of technical equipment, MPS107327001, approved 24 January 1996.
383 TRANSCRIPT OF ROOTE N11 TAPE – EXHIBIT JEM/111110/01, MPS107224001, pp15-22, 30 January 1996.
384 Intelligence report, MPS061037001, pp1-2, 06 October 1999.

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231. On 04 November 1999, James Ward[385] and his wife Jacqueline[386] had been arrested, and their house had been searched in relation to the laundering of large amounts of cash believed to be the proceeds of drugs trafficking. Jonathan Rees, former DS Sidney Fillery, former DC Thomas Kingston, William Newton, and a bank manager for Southern Investigations[387] were also arrested on suspicion of money laundering. The arrests occurred because Jacqueline Ward had visited Law & Commercial and handed over cash in the sum of approximately £500,000. Jonathan Rees, former DS Sidney Fillery and others had paid this money into their business account and from there into Jacqueline Ward's account in an accountancy firm which acted for Law & Commercial.[388] Jacqueline Ward was bailed repeatedly, and the investigation continued until 2005. Inquiries were made in South Africa, Swaziland, Spain, Gibraltar and Germany and through Interpol.[389]

232. Following his arrest on 04 November 1999 because of the information supplied by William Newton, James Ward had been asked four questions:

i. Who ordered the killing of Daniel Morgan?

ii. Who killed Daniel Morgan?

iii. Who paid for the killing of Daniel Morgan?

iv. Where did the money come from?[390]

233. James Ward did not respond to these questions, although he told police that he did not know James Cook, Jonathan Rees, former DS Sidney Fillery or former DC Duncan Hanrahan.[391] He said that he did know Sharon Vian and Garry Vian. Sharon Vian had been his former landlady and Garry Vian had done some driving for James Ward and his wife.[392]

234. James Ward later stated he had not answered the questions he was asked on 04 November 1999 because the reward to be gained at the time did not warrant the risk attached to providing information about the murder. He also said he was not interested in the further monetary reward offered in 2002.[393]

235. On 10 July 2002, William Newton had made a statement to police in which he said that James Ward had told him that Paul Goodridge, James Cook and one other (whom he did not name) had been involved in the murder. On 01 October 2002, police had met James Ward at his solicitor's office.[394] James Ward denied having said that which was attributed to him by William Newton but admitted that a conversation had taken place between him and William Newton.[395]

236. James Ward did not contact the police again in relation to Daniel Morgan's murder, until, having been arrested in August 2004 with Garry Vian in connection with serious crime, including money laundering (Operation Bedingham), and remanded in custody, he contacted police through his solicitor in December 2004, saying he wished to discuss the murder. This request

385 Custody Record of James Ward, MPS083472001, p1, 04 November 1999.
386 Custody record of Jacqueline Ward, MPS005690001, p2, 04 November 1999.
387 Custody Record, MPS083468001, p1, 11 October 1999.
388 Witness statement of Noel Beswick, MPS109748001, p6, para 23, 20 October 2016.
389 Witness statement of Noel Beswick, MPS109748001, p11, para 45, 20 October 2016.
390 Debrief, MPS090004001, pp33-34. undated.
391 Information report re James Ward, MPS103234001, p3, 05 November 1999.
392 Information report re James Ward, MPS103234001, p3, 05 November 1999.
393 Witness statement of James Ward, MPS090079001, p22, 09 November 2006.
394 Record of meeting with James Ward, MPS001100001, 02 October 2002.
395 Record of meeting with James Ward, MPS001100001, 02 October 2002.

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was considered by the Metropolitan Police in January 2005, with Stuart Sampson of the Crown Prosecution Service, and James Ward was taken for interview by DCS David Cook and DCI Neil Hibberd on 02 February 2005.[396] Contemporaneous notes were made of this interview.[397] These notes were then forwarded to Stuart Sampson.

237. James Ward told DCS David Cook of his fear that something would happen to his wife saying that, when he had been released on 04 November 1999, he had gone straight to Garry Vian's house and that Glenn Vian was there. He said:

> *'I put it on them that Bill Newton the wife's accountant had told the people that my wife gave this info. I took her (Wife) to South Kensington to a hotel and went back to the people. Would I have killed them? Yes because of the danger to my wife. Gary* [sic] *knows I know this because he told me. I don't know what he knows.'*[398]

238. James Ward expressed his concerns about being a witness from the beginning of the interview, saying '*I have concerns about leaks. I have tried to pass on information before – nothing happened.*'[399] He also said that he had concerns that giving evidence might result in '*someone's death, my wife, son, grandchildren*'[400] and that it would not be worth it. He was advised by DCS David Cook of what would be required of him were he to give evidence and told that protection would be given to him. He was told that '[t]*here are no guarantees or promises, but you won't be lied to*'.[401] DCS Cook also raised the issue of a Restraining Order under the Proceeds of Crime Act 2002 which had been made in respect of James Ward's assets, saying '[t]*he financial on you, if we find it we'll clear you out*'.[402]

239. James Ward talked about a range of other issues which did not relate to Daniel Morgan and stated that what he knew about the murder of Daniel Morgan was hearsay. James Ward asked where he should start, and DCS David Cook said to James Ward: '*Tell me what you know. I'll give you a head start. It was Glenn with the axe, Gary* [sic] *was there and Jimmy with the car. Over the car auction.*'[403]

240. DCS David Cook provided specific information about the murder of Daniel Morgan to James Ward. This could have been construed as 'leading' James Ward and could thus have contaminated his evidence, which was the argument advanced by Defence solicitors during the subsequent High Court case. However, Mr Justice Mitting rejected this argument, stating that it was '*fanciful*' to suggest that '*a manipulative criminal*' such as James Ward would, when interviewed as a potential witness, recall the details of a prompt from 15 months earlier.

396 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p7, 08 May 2006.
397 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p7 onwards, 08 May 2006.
398 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, pp10-11, 08 May 2006.
399 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p7, 08 May 2006.
400 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p8, 08 May 2006.
401 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p8, 08 May 2006.
402 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p9, 08 May 2006.
403 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p10, 08 May 2006.

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241. James Ward responded: '*One part was confirmed by Glen* [sic]. *Some of this is correct and some incorrect*.'[404] He went on to say:

> *'The motive is wrong as far as you describe it… To break the case I can tell you, it's distasteful you might not want to do it.*
>
> *'The people involved at the time were Glen* [sic] *with the axe and Jimmy driving the car. It was purposely done. Jonathon [sic] Rees wanted it done. Who paid? Rees....*
>
> *'Why did he get it done? It's to do with a bird that worked there in the office at the time….'*[405]

242. James Ward also said twice that Garry Vian was not present during the murder, and that '[h]*is role was to keep everyone in line*'.[406] He said that it was referred to by Glenn Vian as the '*Golden Wonder murder*' (a reference to the crisps held by Daniel Morgan when he was murdered), and also, by some, as the '*HP murder*',[407] because it was paid for over a period of time. Regarding the Golden Lion public house, it was recorded that he said the following:

> *'That pub was under Sid Fillery* [sic] *and another guy,* [Police Officer I26] *he is ex police and served with Sid. Did 24 years and then got slung out.'*[408]

He added: '*It was chosen as it was the place they paid off their own police officers* […] *Sid Fillery was there, just to well, not sure if he knew about it but he was used to hamper the enquiry.*'[409]

243. James Ward also said during this interview that, in relation to another crime, Sharon Robinson, Garry Vian's former wife, had said that '*if they charge him with this – I'll tell them everything about the murder. You want to solve it, arrest her. She will tell you everything.*'[410] Later he said, '*Sharon said she'd do anything to put Dean's dad* [Dean Vian was Garry Vian's stepson] *inside with his gangster friends.*'[411] He went on to say, '*she hates him (Gary*[sic]*) more and more every week*'. [412] Referring to Person X8 (see section 6.7 below), James Ward said Person X8 '*used to go out with Gary's* [sic] *mum. Gary said "don't talk to him* [Person X8] *cos he's ill and in for 15." I never have. Gary thinks if he's offered parole or £50k or anything,* [Person X8] *would roll over.*'[413]

244. Sharon Vian was interviewed on 24 March 2005, but DCS David Cook recorded that no useful information was obtained.[414]

404 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p10, 08 May 2006.
405 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p11, 08 May 2006.
406 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p11, 08 May 2006.
407 HP was hire purchase – a method of buying an item and paying for it in instalments. The buyer acquired ownership when all the instalments were paid.
408 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p11, 08 May 2006.
409 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p11, 08 May 2006.
410 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p12, 08 May 2006.
411 Intelligence Reports, MPS107897001, p13, 08 May 2006.
412 Intelligence Reports, MPS107897001, p12, 08 May 2006.
413 Intelligence Reports, MPS107897001, p12, 08 May 2006.
414 Intelligence Report by DCS David Cook, MPS107897001, p16, 08 May 2005.

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245. Jacqueline Ward was arrested on suspicion of money laundering on 11 May 2005.[415] She was bailed repeatedly until January 2006.[416] By November 2005 a file had been submitted to Stuart Sampson of the Crown Prosecution Service seeking advice as to whether Jacqueline Ward should be charged. Two other people were also arrested on suspicion of money laundering.

246. On 05 June 2005, DCS David Cook recorded that he had supplied information to the judge for consideration in connection with the sentencing of James Ward. On 27 July 2005, James Ward was sentenced to 17 years' imprisonment.[417]

247. James Ward did not provide further information to assist the prosecution in 2005. However, he continued to discuss with police whether he was prepared to give evidence in relation to the murder of Daniel Morgan.[418] He contacted DCS David Cook on 08 August 2005 and discussed the sentence which he had just received for conspiracy to supply Class A and C drugs.[419] During this conversation, DCS Cook recorded that James Ward had said that a known criminal family was being protected by a '*DCI Philips*'. DCS Cook submitted information about this to the Directorate of Professional Standards (see paragraph 368 below).

248. Former T/DCI Noel Beswick stated in October 2016 that on 28 October 2005 Jacqueline Ward had called DCS David Cook to pass on information on behalf of her husband, about the murder of a woman in Croydon on 25 September 2005.[420] This information had been passed on to the relevant murder investigation team.[421]

249. On 22 December 2005, James Ward recorded a voicemail on DCS David Cook's mobile telephone, saying that his wife was ill, she was on bail, and was under stress, and he wanted to talk to DCS Cook about what could be done to alleviate her position, and the fact that he would like to be a witness in the Daniel Morgan case.[422] DCS Cook recorded that he had informed Stuart Sampson of this contact, and that he (Stuart Sampson) had recommended that no charge should be brought against Jacqueline Ward without consideration of her illness.

250. Former DCS David Cook told the Panel in interview that he had had absolutely nothing to do with the money laundering investigation of James Ward and Jacqueline Ward. Former DCS Cook also stated that when he reported back to Stuart Sampson that James Ward '*wanted us to solve the problem with his wife, to make that go away*',[423] that '*Stuart Sampson had already made the decision that there'd be no further action against Ward's wife*'.[424] He continued, '[w]*hich I then let Jimmy Ward know about, without telling him that the decision had already been made*', telling him, '*so you're wasting your time and effort asking. Because it let him think I was doing him a favour. But did I ever ask Stuart to drop anything about Jackie Stanton* [also referred to by her married name, Jacqueline Ward]*? Absolutely not, that decision had already been made before I approached Stuart about, not about it, had a discussion about it.*'[425]

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415 Custody Record completion sheet in respect of Jacqueline Ward, MPS072138001, p2, 11 May 2005.
416 Custody Record completion sheet in respect of Jacqueline Ward, MPS072138001, pp5-30, (various dates).
417 Certificate of Conviction reference James Ward, MPS107891001, p2, 12 December 2006.
418 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p18, pp24-26 and p34, 08 August 2005 – 12 January 2006.
419 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p18, 08 August 2005.
420 Witness statement of former T/DCI Noel Beswick, MPS109748001, p13, para 53, 20 October 2016.
421 Details of contact, MPS001104001, 28 October 2005.
422 Record of Contact, Operation Abelard II, MPS107897001, Intelligence Report, p24, 22 December 2005.
423 Panel interview with former DCS David Cook, Transcript 3, p18, 25 August 2020.
424 Panel interview with former DCS David Cook, Transcript 3, p18, 25 August 2020.
425 Panel interview with former DCS David Cook, Transcript 3, p18, 25 August 2020.

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251. DCS David Cook recorded that James Ward had contacted him again on 05 January 2006, and that he (DCS Cook) had been in contact with the Crown Prosecution Service about Jacqueline Ward's condition. He had asked James Ward whether he wished to meet for a discussion. James Ward had agreed to this. DAC John Yates was informed of the potential development. On 12 January 2006, DCS Cook and a Detective Sergeant met James Ward to discuss the possibility of his providing evidence under the terms of the Serious Organised Crime and Police Act 2005. The situation in relation to Jacqueline Ward was also discussed.[426] DCS Cook subsequently prepared an undated Statement of Benefit for James Ward's appeal which recorded that, '[o]*n the 12th January 2006 I again interview*[ed] *James Ward during which time he agreed to provide evidence against those people he knew to be responsible for the murder of Daniel Morgan and identify other criminality he has been engaged in*'.[427]

252. On 17 January 2006, Jacqueline Ward's solicitors contacted the Metropolitan Police saying that she was unable to answer her bail on 19 January 2006 because she was ill. On 18 January 2006, the custody record of Jacqueline Ward was marked: '*THIS MATTER HAS BEEN NFA'D*[428] *ON THE DIRECTION OF CPS* […].'[429]

253. The decision not to prosecute Jacqueline Ward and those with whom she had been arrested was the subject of a note by Stuart Sampson on 09 September 2010.[430] He stated that there was:

> *'insufficient evidence that she participated in laundering the proceeds of crime for her to be charged.* […] *the source of all of the investments affecting her can be traced back to the legitimate sale of her* [property]*. There was no evidence that she received sums back that were in any way out of proportion to her legitimate investments. There was no other evidence of her involvement in money laundering.'*[431]

254. On 24 January 2006, police began steps to confiscate assets from James Ward under the Proceeds of Crime Act 2002 in respect of assets acquired as a consequence of the drugs offences to which he had pleaded guilty (see paragraph 271 below).[432]

255. In February 2006, the money laundering investigation of James Ward and others allegedly involved in this criminal activity was discontinued and the case was closed that month. Nobody was prosecuted.[433]

256. On 23 February 2006, James Ward's sentence of 17 years for drug offences was reduced to 15 years after an appeal.[434]

257. On 03 March 2006, James Ward again contacted DCS David Cook to discuss his situation and was told he should consult his solicitor.[435]

426 Record of Contact, Operation Abelard II, Intelligence Report, MPS107897001, p27, 12 January 2006.
427 Statement of benefit in respect of James Ward, MPS001114001, p1, undated.
428 No further action.
429 Custody record of Jacqueline Ward, MPS072138001, p29, 18 January 2006.
430 Prosecution note re J Stanton (Mrs Ward) and others, MPS006695001, 09 September 2010.
431 Prosecution note re J Stanton (Mrs Ward) and others, MPS006695001, p2, 09 September 2010.
432 Statement of Information Relevant in Accordance with Section 16(3) of the Proceeds of Crime Act 2002 Regina v James Frederick Ward, MPS001162001, pp1-43, 24 January 2006.
433 Witness statement of former T/DCI Noel Beswick, MPS109748001, 20 October 2016.
434 Certificate of Conviction, James Ward, MPS107891001, p2, 12 December 2006.
435 Intelligence Reports, MPS107897001, pp29-30, 03 March 2006.

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258. On 05 April 2006, James Ward began negotiating the terms upon which he would be debriefed under the Serious Organised Crime and Police Act 2005.[436]

259. On 22 May 2006, James Ward was interviewed in the presence of his solicitor and the debrief process under the Act was explained to him. James Ward was told that the Crown Prosecution Service would need to know about all his criminality before deciding whether they could use him as a witness. James Ward was taken out of prison, where he was serving his sentence for an unrelated matter, in order for his debrief to be conducted. The Prison Service rules were still applied during his debrief.[437]

260. James Ward was debriefed between 22 May 2006[438] and 12 December 2006.[439,440] The debrief was conducted by a team led by DCI Jamie Armstrong from the Directorate of Professional Standards[441] and three others.[442]

261. James Ward told police that he had previously provided information in confidence to the police.[443] He did not reveal all his previous interactions, as an informant, with police.

262. Former T/DCI Noel Beswick stated, in 2016, that two years after the debrief of James Ward had started, on 08 April 2008, he sought to establish whether James Ward was registered on a national database. Former T/DCI Beswick told the Panel in November 2020 that at the time of the Abelard Two Investigation, it was not common practice or Metropolitan Police policy to conduct searches of the national database in respect of prosecution witnesses. Informants were routinely allocated pseudonyms to protect their identity. In this case information was received about one pseudonym which had been allocated to James Ward. On 19 May 2008, T/DCI Beswick asked that James Ward's historic informant files be made available to Counsel. He was advised that no files were held.[444]

263. Given James Ward's history, it would have been advisable to enquire whether he had previously provided information as an informant under a pseudonym before he was taken on as an Assisting Offender in 2006. In fact, the response received by T/DCI Noel Beswick was incorrect. There was information about two further pseudonyms under which James Ward had previously provided information (see paragraph 798 iv below).

264. During his debrief, James Ward:

i. informed officers that he had no knowledge of the murder of Daniel Morgan other than that which he had received from other people;[445]

436 Precis derived from various weekly reports relating to Ward […], Vian […] and Eaton […] (created for the info of prosecution counsel), MPS105643001, p3, 05 April 2006.
437 Record of interview, MPS089714001, pp1-15, 22 May 2006.
438 Record of interview, MPS089714001, 22 May 2006.
439 Witness statement of James Ward, MPS090204001, p1, 12 December 2006.
440 Master Tape Disclosure list […] Debriefs, MPS103663001, pp2-8, 22 May 2006.
441 Operation Abelard Oversight Panel Meeting, MPS108270001, p4, 09 August 2006.
442 Witness statement of former T/DCI Noel Beswick, MPS109748001, p14, 20 October 2016.
443 Witness statement of […], MPS090080001, 09 November 2006.
444 Witness statement of former T/DCI Noel Beswick, MPS109748001, pp18-19, para 70 -72, 20 October 2016.
445 Debrief, MPS089715001, p6, 23 May 2006.

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ii. said that he had known Garry Vian since 1982 and had been involved in crime with him for years.[446] He described him as being a friend and business associate since 1991.[447] He said that he had never known Garry Vian to tell a lie. During his trial in 2005 he had described himself as being a father figure to Garry Vian and said that Garry Vian would come to him for advice;[448]

iii. described the first occasion on which he had spoken to Garry Vian about Daniel Morgan's murder, which he believed was in 1990/1991, when he and another man were being followed by what he believed were police cars. He had wanted to find out if police were following them and if so why. He met Garry Vian because he knew Garry Vian's brother-in-law was Jonathan Rees, a private investigator, '*who had numerous full time or part time police officers working in or around him*.'[449] Garry Vian had explained to him that Jonathan Rees could help because he owed Garry Vian a favour in relation to Daniel Morgan's murder;[450]

iv. provided information about a number of incidents and about police corruption more generally;[451]

v. explained that he (James Ward) had been in prison at the time of the murder;[452] and

vi. said that the murder of Daniel Morgan was, in part, motivated by police corruption, which took the form of '*moonlighting policemen who were using police resources to interfere with a private investigation, passing on different information from police computers and just general sort of police knowledge and tracing people, sabotaging trials*'.[453]

265. During the debrief of James Ward, at a meeting on 18 July 2006, DCS David Cook and his colleagues outlined the current main lines of enquiry and strategy to Jonathan Rees, barrister, acting for the Crown Prosecution Service. Jonathan Rees, barrister, provided a written advice, on 04 August 2006, in which he commented on the potential value of James Ward as an Assisting Offender and on the fact that he could give confession evidence implicating two suspects, saying:

> *'no-one should be under any illusion about the problems often encountered when seeking to rely on this category of evidence, especially where there is little or no independent supporting evidence. In my experience, the problems often revolve around the antecedent history of the witness and the motives that lead the witness to approach the police.'*[454]
>
> [...]
>
> *'Whatever pressures there may be to prosecute someone for the killing of Daniel MORGAN, it is vital that investigating officers play devil's advocate, and seek to investigate the witness's credibility as rigorously as circumstances allow. It would be*

446 Witness statement of James Ward, MPS090079001, p2, 09 November 2006.
447 Witness statement of James Ward, MPS090078001, p7, 09 November 2006.
448 Witness statement of James Ward, MPS090079001, pp13-15, 09 November 2006.
449 Debrief, MPS089715001, p21, 25 May 2006.
450 Witness statement of James Ward, MPS090079001, pp7-8, 09 November 2006.
451 Debrief, MPS089715001, pp15-17, 23 May 2006.
452 Witness statement of James Ward, MPS090079001, p5, 09 November 2006.
453 Debrief, MPS089715001, p15, 23 May 2006.
454 Advice 1 Document, Crown Prosecution Service Advice, MPS102410001, p3, 04 August 2006.

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disastrous were we to launch a prosecution based predominantly on the witness's evidence for it to flounder because of a failure to identify any fundamental flaws.'[455]

266. Counsel concluded that while there may be concerns about James Ward, and while careful examination would be necessary before a decision could be made about his credibility and reliability as a witness, the debriefing process should continue. Counsel gave specific and detailed instructions about the process to be followed at that stage.[456]

267. James Ward ultimately made three statements on 09 November 2006 and a further statement on 12 December 2006.[457] His first statement dealt with his own extensive criminality over a period of 20 years. He admitted 32 offences including dealing in, and the importation of, cannabis, and conspiracy to supply cocaine. He described his relationship with Garry Vian.[458] His second statement of 09 November 2006 dealt with his knowledge of the murder of Daniel Morgan. He explained that he had been in prison when Daniel Morgan was murdered.[459] His third statement explained he had informed police that some drugs had been hidden in West Norwood Cemetery by a third party and that those drugs had been recovered by police.[460]

268. The evidence which James Ward provided about the murder of Daniel Morgan, in the second of his three statements dated 09 November 2006, included some of the information which he had provided to police previously. His evidence in this statement was as follows:

i. Garry Vian had told him that his brother, Glenn Vian, had committed a murder for Jonathan Rees. James Ward said that Garry Vian had said: ' "*He owes me a favour as my brother has done a murder for him" or something like that. He may have even said my brother has done Daniel MORGAN for him.*'[461]

ii. James Ward had asked Garry Vian whether he had murdered Daniel Morgan and that Garry Vian had said that his brother, Glenn Vian, had done it.[462]

iii. Garry Vian had said that Jonathan Rees *'ordered and paid for the murder',* that DS Sidney Fillery investigated the murder *'very loosely'* and that James Cook drove the car with Glenn Vian in it.[463] He had said that '*Rees was close by*'.[464]

iv. Three people were involved in the murder – Jonathan Rees who ordered it, Glenn Vian who had killed Daniel Morgan with the axe and James Cook who had driven Glenn Vian away after the murder. Garry Vian said he had no part in the murder but was '*close by driving a second vehicle*'.[465] James Ward had previously said on tape on three occasions that Garry Vian had said that he was not there when the murder was committed. However, there was some consistency between the two statements.

455 Advice 1 Document, Crown Prosecution Service Advice, MPS102410001, p4, 04 August 2006.
456 Advice 1 Document, Crown Prosecution Service Advice, MPS102410001, pp3-4, 04 August 2006.
457 Witness statement of James Ward, MPS090204001, 12 December 2006.
458 Witness statement of James Ward, MPS090078001, 09 November 2006
459 Witness statement of James Ward, MPS090079001, 09 November 2006.
460 Witness statement of James Ward, MPS090080001, 09 November 2006.
461 Witness statement of James Ward, MPS090079001, p7, 09 November 2006.
462 Witness statement of James Ward, MPS090079001, p15, 09 November 2006.
463 Witness statement of James Ward, MPS090079001, pp19-20, 09 November 2006.
464 Intelligence Reports, MPS107897001, p11, 08 May 2006.
465 Witness statement of James Ward, MPS090079001, p15, 09 November 2006.

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v. Garry Vian had told James Ward that Paul Goodridge, who had previously been arrested for the murder of Daniel Morgan, *'had nothing to do with the MORGAN murder',*[466] and, on another occasion, that *'the police would never get to the bottom of it because they were investigating the wrong motive'.*[467] James Ward stated that Garry Vian had told him that police were *'coming at it from two different angles. One was the robbery at Belmont Car Auctions and the aftermath of that and secondly the police corruption around Law and Commercial* [formerly Southern Investigations] *and Jonathan REECE* [sic].' James Ward stated that Garry Vian had said that *'it was over a bird* [...] *Jonathan REECE* [sic] *and Daniel MORGAN were both after the same woman* [...] *a woman who worked in the offices of Law and Commercial'.*[468] James Ward told police he had asked Garry Vian if *'she'* (the woman whom he had said worked at Law & Commercial) was still there in 1993/4 and Garry Vian had said yes.[469]

vi. Garry Vian had said that he did not kill Daniel Morgan, and that he had told James Ward that he believed people would stand trial for the murder but be acquitted. Afterwards, he had said, police would stand outside court and say they weren't looking for anyone else.[470]

vii. Garry Vian had called the murder of Daniel Morgan the '*Golden Wonder murder*', referring to the two packets of crisps which Daniel Morgan had bought before leaving the Golden Lion public house, and the '*HP murder*'. James Ward had also previously said that Glenn Vian had referred to the murder as the '*Golden Wonder murder*'. James Ward said that he had been told by Garry Vian that Daniel Morgan's murder had cost £20,000 or £25,000, and that the money was paid in instalments.[471]

viii. The Golden Lion public house '*was under Sid Fi8llery* [sic] *and another guy,* [Police Officer I26] *he is ex police and served with Sid. Did 24 years and then got slung out*'; and was '*the place they paid off their own police officers'.*[472]

ix. He had been told that '*the axe that had killed MORGAN had elastoplast wrapped around the handle*' in an intelligence interview, and that he did not know at the time why this was.[473] He said that he spoke to Garry Vian about it later. Garry Vian had said that it was '*to prevent fingerprints and forensics*', and that it was always the intention to murder Daniel Morgan.[474]

x. In about 1998 or 1999, Garry Vian had been arrested for kidnap and false imprisonment, and later released.[475]

xi. Police had telephoned James Ward's solicitor asking him to ask James Ward whether the driver of the car was James Cook or James Green and if the car used in the murder had been a '*green Variant VW*'. James Ward stated he had phoned his solicitor and said that he did not know the answer to either question.[476]

466 Witness statement of James Ward, MPS090079001, p13, 09 November 2006.
467 Witness statement of James Ward, MPS090079001, p14, 09 November 2006.
468 Witness statement of James Ward, MPS090079001, p14, 09 November 2006.
469 Witness statement of James Ward, MPS090079001, p14, 09 November 2006.
470 Witness statement of James Ward, MPS090079001, pp15-16, 09 November 2006.
471 Witness statement of James Ward, MPS090079001, p19, 09 November 2006.
472 Intelligence Reports, MPS107897001, p11, 08 May 2006.
473 Witness statement of James Ward, MPS090079001, p21, 09 November 2006.
474 Witness statement of James Ward, MPS090079001, p24, 09 November 2006.
475 Witness statement of James Ward, MPS090079001, p20, 09 November 2006.
476 Witness statement of James Ward, MPS090079001, p26, 09 November 2006.

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xii. He had asked William Newton where the money for the murder came from and said that William Newton thought it came from a loan which he had arranged on a property in Cornwall owned by Jonathan Rees and his wife.[477] James Ward also said that Glenn Vian had subsequently heard from William Newton that James Ward's wife was talking to police about who killed Daniel Morgan. James Ward had told him this information was wrong '*but Glen* [sic] *was a bit concerned*'.[478]

xiii. He had denied knowing Glenn Vian during his intelligence interview with police officers in 1999. However, James Ward said that this was untrue. He had known him. He explained that he had a lot of personal family issues around that time, that the police were not doing anything for him then, and he did not want to put himself or his family in danger by talking to them.[479]

xiv. James Ward said that he had a direct discussion about the murder with Glenn Vian, after he had sought Garry Vian's help in 1994 in evicting a troublesome tenant from a property he owned. He said that Glenn Vian offered to kill the tenant for £50,000, explaining that it would cost so much because it would require two men and a gun. He added that Glenn Vian said that he was now '*too old and fat to go round rolling on the floor*' so his plan was to shoot the troublesome tenant with the gun '*so he couldn't run*' and then '*do him with an axe the same as MORGAN*'.[480] James Ward said that Glenn Vian told him that Daniel Morgan's murder had been much cheaper, because it had happened years previously. He asked how much killing of Daniel Morgan had cost and Glenn Vian said £20,000 or £25,000. James Ward said that Garry Vian confirmed this sum to him during conversations. James Ward also said that it had never been his intention to have his tenant killed and he later negotiated through his solicitor to pay the tenant £5,000 to move out.[481]

xv. James Ward also recounted an incident in which, while on home leave from prison, Jonathan Rees went to Glenn Vian's house to speak with Garry and Glenn Vian, his brothers-in-law. James Ward said '*Glen* [sic] *cut him with the carving knife. The blood was in Glen's kitchen on the floor. I asked whether Rees would do anything. Glen said "No".*'[482]

xvi. James Ward said that Garry Vian had also told him about an incident in which a relative of Glenn and Garry Vian had been said to have '*been mouthing off that Glen* [sic] *and Gary* [sic] *were responsible for the Daniel Morgan murder*' and that they had gone to '*warn him off*'. Glenn Vian had produced an axe from his coat and shouted that he was '*to keep his mouth shut or he'd get some of this*'.[483]

269. The debrief of James Ward concluded on 12 December 2006.[484]

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477 Witness statement of James Ward, MPS090079001, p24, 09 November 2006.
478 Witness statement of James Ward, MPS090079001, p24, 09 November 2006.
479 Witness statement of James Ward, MPS090079001, p21, 09 November 2006.
480 Witness statement of James Ward, MPS090079001, p18, 09 November 2006.
481 Witness statement of James Ward, MPS090079001, p18, 09 November 2006.
482 Intel Reports, MPS107897001, p11, 27 July 2007.
483 Witness statement of James Ward, MPS090079001, p28, 09 November 2006.
484 Master Tape Disclosure list N97 Debriefs, MPS103663001, pp2-8, 22 May 2006

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270. At trial James Ward pleaded guilty to 13 drugs offences and initially received a four-year sentence, reduced on 17 July 2007 to three years,[485] and the sentence he was currently serving (imposed on 27 July 2005) which had previously been reduced on appeal from 17 to 15 years,[486] was reduced again from 15 to five years on 09 March 2007.[487,488] It was recorded that he was released from prison on 24 December 2007.[489]

271. Following Operation Bedingham (the investigation into James Ward, Garry Vian and others in connection with serious crime, including money laundering; see paragraph 236 above), an investigation was conducted under the Proceeds of Crime Act 2002 into James Ward's assets. This investigation proceeded while James Ward was providing information to the Abelard Two Investigation as an Assisting Offender under the Serious Organised Crime and Police Act 2005. The financial investigation was conducted by police officers working with Stuart Sampson, who had dealt with Operation Bedingham and was dealing with the financial investigation. The purpose of such an investigation is to calculate:

i. the amount to which a Defendant can be said to have benefitted from his criminal conduct; and

ii. the amount of realisable assets which can be seized from him in full or part satisfaction of the amount determined in calculation.

272. This enables the Crown to recover available assets from the defendant. Stuart Sampson was asked by DCS David Cook to advise the Abelard Two Investigation, which ran at the same time as the financial investigation into James Ward's assets.[490]

273. On 22 November 2006, it was calculated that James Ward had received a benefit from his criminal activity of £3,752,703.15, but his available property was valued at £1,428,743.68. James Ward challenged this figure. In his formal response, his solicitor argued that the usual statutory assumptions under the Proceeds of Crime Act 2002 (that all property held for the preceding six years was the result of criminal activity unless the defendant could prove otherwise) should be set aside in his case in favour of James Ward's contentions. It was suggested that the manner in which he confessed to his crimes during the debriefing process necessarily entailed him being open and honest '*so that potentially he can be put before the court as a cleansed individual*'. As this level of truthfulness '*was seen as an essential component of the defendant's integrity*',[491] it was argued that his submissions on the Proceeds of Crime Act 2002 issues be accepted, wholly, and without the usual need to provide any supporting evidence. Therefore, according to James Ward's formal response, the benefit received should be calculated as £1,551,904.90[492] and his '*available property*' as £621,494.84. Mr Justice Mitting, sitting in the High Court, referred to this suggestion as a '*none-to-subtle* [sic] *plea for favourable treatment because of the co-operation which he had given to the murder inquiry*'.[493]

485 Rees & Ors v Commissioner of Police of the Metropolis Amended Defence, CIV000001001, p27, 22 December 2015.
486 Certificate of Conviction, James Ward, MPS107891001, p2, 12 December 2006.
487 Rees & Ors v Commissioner of Police of the Metropolis Amended Defence, CIV000001001, p27, 22 December 2015.
488 James Ward Chronology, CLA000106001, p25, undated
489 Minutes of office meetings, MPS071803001, p62, 09 January 2008.
490 Panel interview with Stuart Sampson, PNL000184001, p1, 06 February 2020.
491 Defendant's Response to a Statement of Information, Section 17 Proceeds of Crime Act, MPS097314001, p5, 29 November 2006.
492 Defendant's Response to a Statement of Information, Section 17 Proceeds of Crime Act, MPS097314001, p17, 29 November 2006.
493 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, pp11-12, para 49, 17 February 2017.

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274. James Ward's suggestion[494] that his statements as to benefit and realisable assets overarch the statutory assumptions, would have entailed the Court accepting his calculations without the need to produce supporting evidence. That had the effect of reversing the burden of proof and usurping the assumptions set out in section 10 of the Proceeds of Crime Act 2002 – these being that, in relation to all property held and expenditure made during the previous six years, (i) they were the fruits of criminal activity and (ii) such property obtained was free from any other interest.

275. The Crown and James Ward agreed a figure of £999,229.17 as being the total figure for his available assets. In approving of and then making the necessary order, Mr Justice Kramer congratulated the financial investigation officers for their good work on the case.

276. James Ward's '*available property*' consisted mainly of two houses. In cases such as this, it is for the defendant to sell the property available and make the proceeds of sale available to the Crown, or to agree to hand over the sale of the property to the Crown, in satisfaction of the order.

277. On 17 October 2007, the Confiscation Unit at the Central Accounting Office wrote to James Ward's solicitors providing a breakdown of the monies received, as of that date, in realisation of the confiscation figure. It was £632,965.40 rather than the original valuation of £999,229.17. The reasons for the reduction were explained and the Crown then agreed to accept £632,965.40 (a figure almost identical to that originally suggested by James Ward (see paragraph 273 above) in satisfaction of the original confiscation order).

278. The Panel has examined the negotiations which took place during the course of the Proceeds of Crime Act 2002 proceedings. It is not uncommon for the initial figure identified by the financial investigator to be reduced in the light of further emerging evidence about the available property and fluctuations in property values.

279. During the High Court proceedings brought in 2017 by Jonathan Rees, Glenn Vian, former DS Sidney Fillery and Garry Vian against the Commissioner of Police for the Metropolis, presided over by Mr Justice Mitting (see Chapter 9, Post-Abelard Two), questions were asked by the claimants and their legal advisors about whether the confiscation process under the Proceeds of Crime Act 2002 had been subverted by former DCS David Cook or any other member of the Abelard Two Investigation, to secure the reduction in value (which occurred when James Ward was providing information in an expectation that he would give evidence in accordance with his witness statements). In effect, the question was whether James Ward had been induced to give evidence by the reduction of the value in the available assets, and therefore of his liability to the Proceeds of Crime Act order.

280. Mr Justice Mitting rejected any such suggestion saying that '[t]*he reduction, by itself, cannot give rise to a finding that COOK or another investigating officer subverted the confiscation process*'.[495] During the Court of Appeal hearing presided over by Lord Justice

494 Referring to his Defence, Defendant's Response to a Statement of Information, Section 17 Proceeds of Crime Act, MPS097314001, p4, 29 November 2006.

495 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p12, para 50, 17 February 2017.

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McCombe, Lady Justice King and Lord Justice Coulson in 2018, this issue was not raised, but Lord Justice McCombe stated in paragraph 2 of his judgment that he adopted '*entirely the facts as found by Mitting J*'.[496]

281. It is clear that from the beginning of these proceedings, Stuart Sampson of the Crown Prosecution Service was prepared to adopt a flexible approach towards James Ward. At the beginning of the Proceeds of Crime Act 2002 investigation he wrote:

> *'Because the subject is awaiting confiscation proceedings it has to be made quite clear that we can make no deals regarding this although there is some room for latitude within the general principles. There has in any event to be full financial disclosure within the process; the confiscation FIs* [Financial Investigators] *will be brought on board so that they can check what is said as well as making any necessary amendments to their evidence.'*[497]

282. In a note of 18 August 2006, he wrote:

> *'A major problem for* [James Ward] *is confiscation. I have stated that there can be no departure from the statute but that, within the principles laid down, there is some room for manoeuvre but that depends on* [James Ward]. *I will discuss this further with the FIs and Counsel on the confiscation who is appraised of the overall position.'*[498]

283. Stuart Sampson also wrote by way of summary:

> *'From my experience dealing with a significant number of cases over the years I have come to the view that there is a need for some reality in dealing with confiscation matters and that, in any particular case, a practical view can be taken without departing from general principles; the legislation is draconian and a too sanctimonious and legalistic approach is not desirable, especially with defendants who show a proper willingness to cooperate. The recommendations of the House of Lords in the case of May and others were a welcome corrective.*
>
> *Generally speaking, in my experience, there is often a significant disparity between the initial assessment of the benefit figure and that finally agreed or determined; there will often be good points raised in relation to double counting and valuations. If a defendant declines to cooperate and/or challenges the figures in an unconstructive manner he runs the risk of being saddled with a high benefit figure. A defence team who are constructive in their approach are more likely to achieve success either by agreement or after a contested hearing.'*[499]

284. Stuart Sampson told the Panel that had James Ward challenged the confiscation there would have been problems with him as a witness as he would have lost credibility. Stuart Sampson said, '*I wanted him to come out as clean as possible*', adding that there was also a possibility of the investigation against his wife (and possibly his son) having an impact.[500] There were difficulties in getting hold of the papers for the first investigation in relation to his wife.

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496 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p2, para 2, 05 July 2018.
497 Crown Prosecution Service Note, p1, 23 May 2006.
498 Crown Prosecution Service Note, p1, 18 August 2006.
499 Prosecution Note on Ward Confiscation, p2, 29 October 2009.
500 Panel interview with Stuart Sampson, PNL000184001, p3, 06 February 2020.

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Nevertheless, he said, the objective was to get as much money from them as possible while coming to an agreement, thereby avoiding James Ward challenging the issue in court, and decisions were made based on the evidence.[501]

285. James Ward was listed as a witness for the forthcoming trial of those accused in connection with the murder of Daniel Morgan.

286. In effect, James Ward was in a strong position because the Abelard Two Investigation wanted to keep him as a witness. He gained both a financial settlement which was in his interest, and a reduced prison sentence. As a result of the withdrawal of the prosecution he did not even have to give evidence as a witness in a trial.

287. The written comments made by Stuart Sampson in 2006, at the beginning of the confiscation process, were somewhat unwise, in that they were open to the interpretation that he was prepared to offer James Ward an improper incentive in return for giving evidence. Indeed, that is what lawyers acting for the Defendants alleged. However, there is no evidence in this context of any improper influencing of James Ward to give his evidence to the Abelard Two Investigation in return for a reduction in the value of his available property during the financial investigation. Everything which Stuart Sampson did was agreed by Mr Justice Kramer.

6.2 Person F11

288. The ongoing review of previous material also highlighted a statement provided by Person F11 on 22 January 1999, outlining his knowledge of the murder of Daniel Morgan.[502]

289. Person F11 had been charged on 18 September 1998 with conspiracy to murder James Cook and other offences.[503,504] Sometime after this he had indicated that he had knowledge of serious criminality, in particular, corrupt police officers, and would provide evidence in return for a reduction in sentence. He had been afforded 'Resident Informant' status,[505] and had entered into a debriefing process on 25 September 1998.[506] He was debriefed on 12 occasions between 30 September 1998 and 24 February 1999. The majority of his evidence concerned alleged corrupt activity by former DC Duncan Hanrahan.

290. In his statement dated 22 January 1999, Person F11 referred to the murder of Daniel Morgan, saying the following:

i. '*In 1989 or 1990 Jimmy COOK confided in me that he and a man named Glen* [sic] *VINES* [Vian] *had committed a murder*.'

ii. '[T]*he man who was murdered was either a serving or ex-policeman and had been a partner in a private investigation firm in Thornton Heath.*'

501 Panel interview with Stuart Sampson, PNL000184001 p3, 06 February 2020.
502 Witness statement of Person F11, MPS078631001, 22 January 1999.
503 Record of contact with Person F11 17 September 1998 to October 2007, MPS103708001, p7, 12 September 2007.
504 Those offences were not related to the murder of Daniel Morgan or the investigation of his murder.
505 The process used before the implementation of the Serious Organised Crime and Police Act 2005.
506 Record of contact with Person F11 17 September 1998 to October 2007, MPS103708001, p7, 12 September 2007.

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iii. '[T]*he other partners in the firm had had an argument with the man who was killed and* [James] *COOK and VINES* [Vian] *had been paid by John REES to commit the murder*.'

iv. '*Jimmy COOK* […] *was the driver and Glen* [sic] *VINES* [Vian] *had committed the murder by striking the victim in the head with the axe. Basically, Jimmy COOK had driven Glen VINES to meet the victim. I know the victim had been found in a car park but I did not know if this was where he was murdered.*'

v. '*The car that* [James] *COOK drove when taking Glen* [sic] *VINES* [Vian] *to kill the victim was hidden in a garage in Cheam after the murder* […] *a man named* [Person P9] *used the garage* [….] *It was stored there and covered with a tarpaulin* […] *when things had died down they had collected the car and destroyed it.*'

vi. Person F11 described where the garage was and to whom it belonged.

vii. '[Person P9] *did not know that the car had been involved in a murder* [….] *At that time Jimmy COOK was involved in stealing and ringing cars and* [Person P9] *thought that it was another stolen car that COOK wanted him to store.*'

viii. '*Jimmy COOK regretted telling me about the murder because COOK and VINES* [Vian] *later threatened me that if ever I said anything Glen* [sic] *VINES would kill me, my children and my family.*'

ix. '*Sometime in 1994 or 1995* [James] *COOK threatened me and told me to kill* [Person P9] [….] [Person P9] *had become aware that the car that he had looked after in the garage had been used in a murder. COOK gave me fourteen days to kill* [Person P9] *or he said I would be killed. I took the threat very seriously but I told him I wouldn't kill* [Person P9] *and said "you'll have to do what you've got to do then."* '

x. '*About six months to a year later* [James] *COOK and VINES* [Vian] […] *both told me that if I ever repeated anything to anyone about the murder then they would kill me.*'[507]

291. On 08 July 1999, Person F11 was convicted of conspiracy to murder James Cook and other offences and sentenced to seven years' imprisonment.[508] The sentence was later reduced by the court to five years because he had provided information to the police about the murder of Daniel Morgan and other investigations.[509]

292. In December 2000, Person F11 wrote to his solicitor indicating that he had signed his statement under duress, claiming to have a tape-recording of a police officer admitting this fact. He said that he wanted '*to make sure that this statement is never produced before anybody as my life and families* [sic] *life would be in danger*'.[510] However, neither he nor his solicitor had previously alleged that the statement was made under duress.

293. Having secured a reduction in his sentence, Person F11 then refused to assist any further.

294. Person F11 had been asked on 01 June 2002 whether he would give evidence of the content of his previous statement. He had immediately declined, fearing for his safety and that of his family.

507 Witness statement of Person F11, MPS078631001, pp2-6, 22 January 1999.
508 Record of Contact with Person F11 17 September 1998 to October 2007, MPS103708001, p9, 12 September 2007.
509 Abelard II Report to the Crown Prosecution Service, MPS103338001, p30, 13 June 2007.
510 Record of contact with Person F11 17 September 1998 to October 2007, MPS103708001, pp3 and 37, 25 June 2002

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295. On 25 June 2002, in advance of the *Crimewatch* appeal being aired, DCS David Cook and DI Neil Hibberd visited Person F11 to inform him of the reinvestigation into Daniel Morgan's murder. Person F11 confirmed that the content of his statement was true, but he said that he would never give evidence against James Cook or Glenn Vian through fear, and if he was ever called to give evidence he would claim that he signed his statement under duress.[511]

296. On 26 June 2002, after the *Crimewatch* programme, a man contacted the Metropolitan Police and confirmed that Person F11 had told him that James Cook and Glenn Vian were involved in Daniel Morgan's murder and that Person P9 had disposed of the vehicle.[512]

297. On 03 October 2002, Person F11 told police that the car used by James Cook and Glenn Vian for the murder of Daniel Morgan was a green VW Golf. [513]

298. In May 2006, DCS David Cook telephoned Person F11 to tell him about the further reinvestigation of Daniel Morgan's murder.[514] In April 2007, Person F11's solicitor was advised that Person F11's statement might be released by police during any trial.[515]

299. On 19 April 2007, police received intelligence that Person F11 was again planning to kill someone.[516] On 30 April 2007, the police attended Person F11's solicitor's office, and in the presence of his solicitor the police told Person F11 that they had received this information and gave a warning about the matter. Person F11 assured police that he had no intention of harming the third party.[517]

300. On 12 September 2007, DS Gary Dalby produced a report on the chronology of events, from 1998 to 2007, surrounding the arrest and debrief of Person F11, and the evidence supplied by him in 1999 regarding the murder of Daniel Morgan.[518] In conclusion, DS Dalby noted that '[t]***he most important fact remains, despite all*** **[Person F11]*'s protestations he has never claimed that he is not telling the truth'*** [bold in original].[519] DS Dalby asked an officer who had had previous responsibility for Person F11 to make a statement.[520] This he did in February 2008, confirming that Person F11 had become increasingly uncooperative after he had pleaded guilty and been sentenced in July 1999, and he had refused to give evidence about the information he had supplied earlier.[521] Despite this, police continued to try and secure him as a witness, attempting to persuade him to give evidence, given the importance of the information which he had provided.

301. A reasoned decision not to use Person F11 as a witness was finally made, which took into account his current activities, the fact that he had been convicted of conspiracy to murder James Cook, against whom he was a critical witness, that he was hostile to James Cook and that information had again recently been received that Person F11 had intended to kill someone. Therefore, Person F11 had a motive to lie when giving evidence. He had also stated that he had given the evidence under duress. After consultation with the Crown Prosecution Service and Prosecution Counsel, DI Douglas Clarke recorded a decision on 10 December 2010

511 Record of contact with Person F11 17 September 1998 to October 2007, MPS103708001, p37, 25 June 2002.
512 Witness statement, MPS103319001, p16, June 2002.
513 Record of contact with Person F11 17 September 1998 to October 2007, MPS103708001, p41, 03 October 2002.
514 Record of contact with Person F11 17 September 1998 to October 2007, MPS103708001, p4, 07 October 2007.
515 Record of contact with Person F11 17 September 1998 to October 2007, MPS103708001, p4, 07 October 2007.
516 Record of contact with Person F11 17 September 1998 to October 2007, MPS103708001, pp51-53, 23 April 2007.
517 Record of contact with Person F11 N1020 17/09/1998 TO OCTOBER 2007, MPS103708001, p50, 01 May 2007.
518 Record of contact with Person F11, 17 September 1998 to October 2007, MPS103708001, pp7-11, 12 September 2007.
519 Record of contact with Person F11, 17 September 1998 to October 2007, MPS103708001, p11, 12 September 2007.
520 Record of contact with Person F11 N1020 17/09/1998 to October 2007, MPS103708001, p11, 12 September 2007.
521 Witness statement of [...], MPS078973001, 26 February 2008.

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noting that a formal decision had been made that Person F11 was no longer required as part of the prosecution case in the trial of Jonathan Rees, former DS Sidney Fillery, Garry Vian and Glenn Vian.[522]

302. The Abelard Two Investigation acted correctly in seeking evidence from Person F11, even though he had been convicted of conspiring to murder James Cook. However, it was regrettable that Person F11 was able to use the legal system to his benefit in securing a reduction in his sentence despite later refusing to give evidence.

6.3 Kevin Lennon

303. On 30 June 2006, while considering the information supplied by James Ward and by other previous witnesses, the Abelard Two Investigation reconsidered the evidence which had previously been provided by Kevin Lennon (see Chapter 1, The Morgan One Investigation). Kevin Lennon had not come forward initially as a witness in 1987 but had been covertly recorded by former DCI Laurence Bucknole (see Chapter 1) telling him that, among other things, Jonathan Rees had sought a killer for Daniel Morgan. When confronted with the recording he had acknowledged it to be true. He had confirmed this evidence in a statement to police on 28 June 2002 and had said that he was prepared to go to court and give evidence.[523]

304. The Abelard Two Investigation was aware that on 18 August 1999, during Operation Two Bridges, Jonathan Rees and former DS Alec Leighton had been heard conspiring to offer £2,000 to Kevin Lennon to say in forthcoming civil proceedings that he had been put under pressure by the police to change his account.[524] The Panel has seen evidence indicating this conspiracy in the form of email correspondence between former DS Alec Leighton and another convicted former police officer. The emails were recovered from former DS Leighton's computer by the Serious Organised Crime Agency in the course of an unrelated investigation.[525]

305. On 17 February 2003, when interviewed by police about this, Kevin Lennon said that he did not know former DS Alec Leighton. He also told the officers that he was worried about the safety of his family if he said any more, and that he would not give any more information than that contained in his statements. He did, however, tell them that he believed that Jonathan Rees and Daniel Morgan were supposed to be meeting a man called 'Dave' on the night of the murder at the Golden Lion public house. He believed that 'Dave' would have been capable of the murder. He provided no further information.[526]

306. While reviewing materials from the previous investigations of the murder, police officers found that Kevin Lennon '*had commissioned the assistance of a* […] *friend and others not to kill MORGAN but to take money from REES by pretending to have arranged the killing and stealing*

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522 Decision 217, Sensitive Decision Log, MPS080534001, p2, 10 December 2010.
523 Witness statement of Kevin Lennon, MPS062383001, 28 June 2002.
524 Abelard II, Enhanced Transcript, MPS000867001, p10, 18 August 1999.
525 Email exchange between Alec Leighton and a former police officer, PNL000193001, p1, 06 September 2008.
526 Action 388 (Op Morgan 2), Enquiries of Kevin Lennon, MPS103319001, pp8-9, 17 February 2003.

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the deposit from him'.[527,528] When asked about this on 16 August 2006, Kevin Lennon had responded: '*I can honestly state I do not remember meeting with anyone to arrange to "Rip Off" Rees.* [….] *my health has deteriorated* [….] *and my memory is not as good as it was.*'[529]

307. Police financially supported Kevin Lennon over the next four years, and he continued to agree to give evidence, although he did not wish to do so in open court.[530] There is evidence that consideration was given to the impact on the credibility of Kevin Lennon of the fact that he willingly became involved in a scam to steal money from Jonathan Rees by purporting to arrange the murder of Daniel Morgan. This, and his criminal record, would have diminished his credibility in the eyes of a jury. Nevertheless, he was retained as a witness.

6.4 Gary Eaton

308. As part of the strategy to secure further evidence, as mentioned above (see paragraph 221), an article was placed in *The Sun* newspaper[531] about the reinvestigation.[532] On 22 July 2006,[533] Gary Eaton contacted *The Sun*'s news desk and made a request for their Chief Crime Reporter, Michael Sullivan (who had written the article), to contact him.[534] Gary Eaton informed Michael Sullivan that he wanted to meet him to provide information on the Daniel Morgan murder.[535] This resulted in a face-to-face meeting between them.[536]

309. Gary Eaton's statements show he was a long-term criminal associate of James Cook;[537] carried out work for Southern Investigations; and was an associate of those who worked at Southern Investigations.[538] Gary Eaton had convictions for offences dating from 1981 to 2006,[539]

527 Action 388 (Op Morgan 2), Enquiries of Kevin Lennon, MPS103319001, p9, 17 February 2003.
528 Abelard II Report to the Crown Prosecution Service, MPS103338001, p253, 13 June 2007.
529 Witness statement of Kevin Lennon, MPS077680001, p1, 16 August 2006.
530 Section 17 of the Youth Justice and Criminal Evidence Act 1999 deals with intimidated witnesses and provides that special measures may be provided where the quality of evidence given by a witness is likely to be diminished by reason of fear or distress on the part of the witness in connection with testifying in criminal proceedings. The special measures which may be relevant for intimidated witnesses are, amongst others: screening the witness from the accused; evidence by live link; evidence given in private. Special measures are not available as of right if a witness qualifies as an intimidated witness. Section 19 of the Youth Justice and Criminal Evidence Act 1999 sets out the factors a judge must consider when an application is made by the prosecutor on behalf of an eligible witness. https://www.cps.gov.uk/legal-guidance/special-measures https://www.cps.gov.uk/legal-guidance/witness-protection-and-anonymity
531 Cops in 'kill' plot', *The Sun* newspaper, MPS108253001, p1, 12 July 2006.
532 Operation Abelard Briefing, MPS109704001, pp88-89, undated.
533 Rees & Ors v Commissioner of Police for the Metropolis, Amended Defence CIV000001001, p28, 22 December 2015.
534 Record of Debrief Interview with Gary Eaton, MPS109039001 p318, 01 September 2006.
535 Record of Debrief Interview with Gary Eaton, MPS109039001 p319, 01 September 2006.
536 Record of Debrief Interview with Gary Eaton, MPS109039001 p319, 01 September 2006.
537 Witness statement of Gary Eaton, MPS000116001, p1, 15 June 2007.
538 Witness statement of Gary Eaton, MPS076390001, p2, 20 April 2007.
539 Police National Computer printout, MPS004040001, p2, 08 September 2008.

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which were listed as including offences against the person,[540] fraud,[541] theft,[542] offences relating to law enforcement,[543] drugs offences,[544] and miscellaneous offences.[545] Gary Eaton had served several short prison sentences.[546]

310. Gary Eaton later stated that he had approached the newspaper directly as he had had personal experience of police corruption and he did not know who to trust.[547]

311. With the help of Michael Sullivan, on 24 July 2006,[548] DCS David Cook arranged a meeting between Gary Eaton and two officers from the Abelard Two Investigation. However, Gary Eaton stated that he would speak only to DCS Cook because of his fear of police corruption, and his belief in DCS Cook because of his role in the prosecution and conviction of former DS Sidney Fillery[549] for offences unrelated to the murder of Daniel Morgan.[550]

312. DCS David Cook, therefore, sought permission to meet Gary Eaton from Commander Shaun Sawyer who agreed to the meeting subject to the proviso that once Gary Eaton's '*credibility etc has been established, responsibility for any further meeting should be handed over to other officers employed on the investigation and DCS COOK revert back to his role as SIO* [Senior Investigating Officer]'. Commander Sawyer then continued that, '[h]*e must not meet the individual on his own*'.[551] In his Decision Log dated 25 July 2006, DCS Cook stated that Gary Eaton had come forward to give information/evidence in relation to the murder of Daniel Morgan '*as a direct result of the article placed in* [T]*he Sun two weeks ago*.'[552] However, on 27 July 2006, during a meeting with DS Gary Dalby, Gary Eaton denied any recollection of a newspaper article in relation to the murder of Daniel Morgan, or in fact reading newspapers at all.[553]

313. Examination of the material available does not reveal why Gary Eaton came forward as a witness in 2006. His criminality was not under investigation by the police and he had no apparent motive to do so. The consequence of his admission of multiple crimes and his involvement as an Assisting Offender under the Serious Organised Crime and Police Act 2005 was that he went to prison, albeit with a much-reduced sentence.

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540 2000.
541 1983-1988.
542 1981-1985.
543 1983-2005.
544 2002.
545 1999-2006.
546 Including a three-month sentence for theft in 1985, a three-month sentence for driving with excess alcohol in 2002, a five-month sentence for driving while disqualified in 2005 and a four-month sentence for driving with excess alcohol in 2006.
547 Record of Debrief Interview with Gary Eaton, MPS109039001, p321, 01 September 2006.
548 Copy of Decision Log by DCS David Cook in relation to Gary Eaton, MPS109615001, p1, 25 July 2006.
549 Copy of Decision Log by DCS David Cook in relation to Gary Eaton, MPS109615001, p1, 25 July 2006.
550 Historical Arrest/Disposal Information, MPS071822001, pp1-6, 08 May 2006.
551 Copy of Decision Log by DCS David Cook in relation to Gary Eaton, MPS109615001, p1, 25 July 2006.
552 Copy of Decision Log by DCS David Cook in relation to Gary Eaton, MPS109615001 p1, 25 July 2006.
553 Audio Transcript, MPS006748001, pp83-84, 27 July 2006.

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314. DCS David Cook, DS Gary Dalby and Gary Eaton first met on 26 July 2006. The meeting was recorded covertly by police, and Gary Eaton, like James Ward, expressed fears for his own safety and that of his family. Gary Eaton was not in prison at this time, and this meant that if he were to be debriefed, then special arrangements would have to be made to protect him. Legal advice was sought, and ultimately a decision was taken to proceed with the debrief.[554]

315. During the meeting on 26 July 2006:

i. Gary Eaton talked first about James Cook, said that '*he think*[s] *he is invincible*', and said that he (Gary Eaton) was '*shit scared of him I am. Very wary*'.[555]

ii. Gary Eaton referred to Person G23 and said that '*Jimmy Cook turned up at* [Person G23's] *work two weeks ago. Like a little reminder to keep schtum, type of thing. He turned up with a bloke* [...] [Person G23] *had to leave* [...] *job straight away.* [Person G23] *left* [...] *job that night, I changed* [Person G23] *phone number everything* [....] *My main concern is my family and* [Person G23].'[556] Later in the interview, Gary Eaton said that Michael Sullivan had '*asked* [Person G23] *when did they go to the shop and we worked it out it was the same day when the article was wrote* [sic] [referring to the murder of Daniel Morgan]. *Like I said it seems like a little reminder to you but to keep that schtum because they know where* [Person G23] *is.*'[557]

iii. Gary Eaton returned to the theme of his fears for Person G23 and for his daughter, repeatedly during the interview.

iv. Gary Eaton said that '*Jimmy Cook is well connected with all the police down my way. Very well connected.*'[558]

v. Gary Eaton went on to say '[s]*ee the thing is, your* [sic] *not only talking about Sid are you? Because the people that are involved in this you have got to have them as well because if they don't all go*', to which DCS Cook said, '[g]*ive me the names of the brothers*', and Gary Eaton continued '[b]*ecause if they don't all go I am at risk all the time*'.[559]

316. The transcript which follows these exchanges is slightly unclear and is as below:

'DCS COOK	*Give me the name of the brothers*
GARY	*The main person of the brothers, you want the main name?*
DCS COOK	*yeah*
GARY	*We been talking about him haven't we.*
DCS COOK	*Jimmy*
GARY	*Yeah*

554 Copy of Decision Log by DCS David Cook in relation to Gary Eaton, MPS109615001, pp2-3, 05 September 2006.
555 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p2, 26 July 2006.
556 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p4, 26 July 2006.
557 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p5, 26 July 2006.
558 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p5, 26 July 2006.
559 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, pp5-6, 26 July 2006.

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DCS COOK	*Yeah, the other one that was there though. I know who it is but I want you to tell me*
GARY	*I don't know the other. All's* [sic] *I know was Jimmy.*
DCS COOK	*Jimmy was there. OK*
DCS COOK	*I know who was involved in it from my side.*
GARY	*Jimmy had massive involvement in all this. Jimmy had massive involvement in all this, massive involvement. I done a lot of work for Southern Investigations. I used to work for them, simple jobs. That's how I got to meet them through Jimmy.'*[560]

317. Despite the fact that DCS David Cook asked Gary Eaton twice to give him the names of the brothers (he was referring to Glenn Vian and Garry Vian), Gary Eaton either knew nothing about '*the brothers*' or he misunderstood the question. Gary Eaton did not respond but went on talking about James Cook, former DS Sidney Fillery and Jonathan Rees. By asking the question repeatedly, DCS Cook was leading the witness to provide specific information, which Gary Eaton appeared not to understand. It is also possible that Gary Eaton did know the names of the brothers but pretended not to know them to former DCS Cook.

318. When asked how long he had worked for Southern Investigations, he responded as follows:

'GARY	*I worked for them from early eighties. I worked for them for about eight or nine years.*
DCS COOK	*And that is when it was just Danny and Johnny [sic] REES?*
GARY	*Yeah and Sid*
DCS COOK	*Yeah Sid was at Catford*
GARY	*Sid had a lot of involvement. I had more dealings with Sid than I did with Jonathan.'*[561]

319. Gary Eaton went on to say, '*I met him* [former DS Sidney Fillery] *through Jimmy. Jimmy has known him for a long long time. A long long time.*'[562]

320. When asked how James Cook got to know former DS Sidney Fillery, he said '*I don't know but they were long term involved for a long long time, very connected with the Irish crowd who Jimmy* [Cook] *is involved with in drugs.*'[563] He provided further information about the alleged drug dealing.

560 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p6, 26 July 2006.
561 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p7, 26 July 2006.
562 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p7, 26 July 2006.
563 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p8, 26 July 2006.

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321. Gary Eaton then told DCS David Cook that former DS Sidney Fillery was linked to the murder of a person whom he named, and provided some details of that murder.[564] When asked, '*What was Sid to do with that?*' he responded, '[i]*t was to do with his firm* […] *I know certain things about Sid what he is involved in other things and he is connected with Jimmy.*' He went on to say, '*every time I was with Jimmy we dealt with Sid not John.* […] *We had more meets with Sid than we did with Jonathan.*' He continued: '*Obviously you have looked at one side of his life but not the other side. The other bit he was involved in, there is a lot of other things involved* […] *I know these people I'm shit scared I am.*' [565]

322. Later Gary Eaton told DCS David Cook that he had '*lived next door to Jimmy's mum and dad for sixteen years and his young son* […] *used virtually to live with me* […] *He knows that I know too much* […] *He knows I know about Sid, I know virtually everything and I know so much about this stuff and I have been warned by him before I have had a couple of gentle warning* [sic] *to keep schtum.*'[566]He continued, '*I can give you Sid and I can give you Jimmy. (Inaudible) them fuckers to put them down yeah but I need guarantees that my family are going to be safe.*'[567]

323. When giving his reasons for wanting to assist the police, Gary Eaton said that he '*just want to put things right so I can get on with my life* […] *For the last six years I have not had a life* […]'.[568] He was only able to '*sleep two hours a night, I have lost seven stone in the last nine months I have just spent nearly a month in hospital* […]'. Referring to James Cook's arrest in 2002, Gary Eaton said that he '*really didn't get involved in it*'. He referred to having a nervous breakdown when James Cook was arrested and being in a psychiatric unit. He also said his marriage broke up at the time.[569]

324. DCS David Cook asked Gary Eaton: '*What was Sid's involvement in the murder.*' He responded, '*Sid set it up*'.[570]

325. When asked how he knew this, Gary Eaton said, '*I was actually approached to do it myself.*'[571] He explained that James Cook had approached him.

326. DCS David Cook then asked Gary Eaton again about the occasion on which James Cook approached him, and what was asked of him. He replied, '*I was asked to do the job myself and would I like to earn vast amount of money to do the job and I refused out right. I am not into that side of things* […] *I was offered fifty grand. Fifty grand cash* […] *I was going to get paid through Jimmy I was going to get paid for the hit and I swear this on my kids* [sic] *lives.*' Gary Eaton said that James Cook told him '*that Sid wanted the job done*'.[572]

327. When asked why Daniel Morgan was murdered, he said, '[t]*he impression I got was that he got wind of the other's* [sic] *dealing. Sid Fillery and Jonathan Rees had a lot of other things going on in the partnership.*' He continued, '[t]*hey were importing a lot of drugs and there were a lot of drugs and they still come in, I was picking up van loads of the stuff, I'm talking van loads. Van loads.*'[573] DS Gary Dalby asked, '[w]*hat sort of gear?*' Gary Eaton responded, '[v]*ast quantities of cash involved as well* […] *The Irish boys would drive the stuff over on the ferry. Park up. I would*

564 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p10, 26 July 2006.
565 "Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, pp10-11, 26 July 2006.
566 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p12, 26 July 2006.
567 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p13, 26 July 2006.
568 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p14, 26 July 2006.
569 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p50, 26 July 2006.
570 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p16, 26 July 2006.
571 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p31, 26 July 2006.
572 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p33, 26 July 2006.
573 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, pp31-32, 26 July 2006.

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drive a four wheel drive and that would be parked, they had a proper car park at the side. Keys would be left in the sun visor. I would pick the van up and we would drive around for the rest of the day until we disposed what we had. This is where Sid was involved with Jimmy as well.'[574]

328. Gary Eaton said that James Cook had been involved in drugs with someone called '*Irish Tom*'. DCS David Cook then asked if '*Irish Tom*' had '*anything to do with a cemetery or anything else like that? Tell us about that* […] *I am telling you there is a cemetery involved* […] *I am giving you a starter for ten saying that I know about a cemetery and I don't know if it has any connection to all this.*'[575] Gary Eaton did not respond to this suggestion.

329. DCS David Cook should not have suggested to Gary Eaton that there was a cemetery involved. By so doing, he was acting improperly and leading the witness, in a way he had done similarly by introducing the term '*the brothers*'.

330. DCS David Cook later asked Gary Eaton again about the reason for the murder. Gary Eaton replied, '[t]*he way I read things is that Danny found out about the other dealings that were going through the company, the money that was going through the laundering and the drugs. There was a lot of things about an affair that was going on. I don't think that was the true reason I really don't.*'[576] Gary Eaton went on to provide some information about the alleged affair, saying he had met the woman.[577]

331. DCS David Cook said that he had not heard previously that former DS Sidney Fillery had been involved in drugs. Gary Eaton said, '*I can get proof for you. If you want proof I will get proof. I will get people to talk to you about this a lot.*' He went on, '*I have spoken to two of them already to back up what I am saying ok.*'[578]

332. When asked where the £50,000 for the murder was coming from, Gary Eaton replied, '[t]*hey had money. There was money floating about everywhere* […].' He said it was to come from '*Sid's side'* through James Cook.[579]

333. Gary Eaton then told DCS David Cook that James Cook had approached another man, whom he named, and asked him if he would murder Daniel Morgan. The man whom he named had since been convicted of the murder of another individual and was serving a life sentence in prison. He said that he did not know how this man had responded.[580]

334. Gary Eaton was asked about Jonathan Rees's involvement in the murder. He replied, '*I don't think he had any involvement in the actual murder myself* […] *He was well aware of it. He did have involvement in that side of it. I'm ninety nine per cent sure he did.*' [581] Gary Eaton later reasserted that Jonathan Rees had no role in the murder, stating '*see Jonathan, I won't mention him because he doesn't really come into it does he?*'[582]

574 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p32, 26 July 2006.
575 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p8, 26 July 2006.
576 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p34, 26 July 2006.
577 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, pp34-36, 26 July 2006.
578 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p32, 26 July 2006.
579 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p36, 26 July 2006.
580 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p34, 26 July 2006.
581 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p36, 26 July 2006.
582 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p49, 26 July 2006.

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335. Gary Eaton said that he did not know who had committed the murder.[583]

336. DCS David Cook asked Gary Eaton about any links he had with '*bent coppers*'.[584] He replied, '[a]s *far as I know three of them are still in the job, there are three of them. I know that Jimmy still has links with two of them and Jimmy still gets information and that's what I'm fucking shit scared of. He can still find things out.*'[585]

337. DCS David Cook and DS Gary Dalby discussed with Gary Eaton how he might give evidence under the Serious Organised Crime and Police Act 2005, informed him about the process, and advised him to take legal advice. It was agreed that DS Dalby would meet him the following day. [586]

338. On 27 July 2006, DS Gary Dalby, who was unaccompanied, met Gary Eaton again and, as previously, the conversation was covertly recorded by police. Later in the afternoon, Gary Eaton was introduced to a solicitor to whom he spoke privately. After the initial conversation about what Gary Eaton was proposing to do, he told DS Dalby that he had '*decided to go ahead*'. DS Dalby told him that he needed to speak to his solicitor at length.[587]

339. There were lengthy discussions about arrangements for a debrief, and DS Gary Dalby said to Gary Eaton, '[w]*hat I need from you is a general 10 minute overview of what your* [sic] *going to be telling us*'.[588]

340. Gary Eaton confirmed, among other things, that:

i. he had been offered £50,000 to murder Daniel Morgan, saying that there '*was a lot of money going around, flying around with Fillery*' and a '*lot of drugs floating around*'. He said that there was money around from '*business dealings concerning the boys in Ireland. It all came from Ireland. It still does. Comes in from Southern Ireland.*' He described the nature of '*the business*', saying it involved '*cocaine, cannabis, resin bars*'. [589]

ii. Daniel Morgan was killed '*because he found out about what was going on. All the back handed deals, the things that were going on. I mean, there was big talk about an affair wasn't there and that that played a major part in it. I don't think it did.*'[590] Gary Eaton said that a named individual had been approached to murder Daniel Morgan. He '*reckoned*' that this individual had murdered Daniel Morgan, but he could not '*say 100%*'. He repeatedly told DS Gary Dalby during interview that police should speak to this individual.[591]

iii. James Cook and two other men had threatened Person G23. However, when asked about this he said that they had bought chips in the takeaway in which Person G23 had worked, that James Cook had looked at Person G23, and that the man from the betting shop had come in and told Person G23 that the man who had looked at Person G23 was James Cook. Person G23 knew the name and had told Gary Eaton

583 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p47, 26 July 2006.
584 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p50, 26 July 2006.
585 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p51, 26 July 2006.
586 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, pp53-64, 26 July 2006.
587 Note and transcript pertaining to pre debrief meeting report three, c11am in respect of Gary Eaton, MPS006748001, p11, 27 July 2006.
588 Note and transcript pertaining to pre debrief meeting report three, c11am in respect of Gary Eaton, MPS006748001, p57, 27 July 2006.
589 Note and transcript pertaining to pre debrief meeting report three, c11am in respect of Gary Eaton, MPS006748001, pp58-61, 27 July 2006.
590 Note and transcript pertaining to pre debrief meeting report three, c11am in respect of Gary Eaton, MPS006748001, p61, 27 July 2006.
591 Note and transcript pertaining to pre debrief meeting report three, c11am in respect of Gary Eaton, MPS006748001, p66-71, 27 July 2006.

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when he had telephoned. He said, '[Person G23] *knows me and Jimmy go back and we've done a few things*'. He subsequently said, '[j]*ust can't have them people going near* [Person G23]'.[592]

341. Apart from the information referred to in paragraph 340 ii above, Gary Eaton did not provide any new information about the murder of Daniel Morgan during this interview.

342. DS Gary Dalby then explained the process further in the presence of Gary Eaton's solicitor, saying that he would introduce Gary Eaton to two other officers from a specialist unit the following day. Gary Eaton was provided with the name of Stuart Sampson from the Crown Prosecution Service, and his role was explained to Gary Eaton.[593]

343. On 28 July 2006, a third meeting occurred between DS Gary Dalby and Gary Eaton. Although there is no recording of this meeting, DS Dalby made notes which stated that Gary Eaton wanted to help the police investigation, although he was very nervous about doing so.[594]

344. On 29 July 2006, DCS David Cook produced a risk assessment which referred to Gary Eaton's mental health problems (see paragraph 153 above).[595] That risk assessment was referred to in the Decision Log kept by D/Supt Barry Phillips (who was the Senior Investigating Officer for the debrief of Gary Eaton).[596] In respect of the psychological risks, the risk assessment stated the following:

> *'The subject to whom this assessment refers is currently of a nervous disposition. It is believed that may be through what he is intending to do. His intelligence file suggests that he has had some mental illness, potentially through consumption of alcohol and/or drugs in the past. That being said he appears to be at this time committed to the debrief and ware* [sic] *of the implications.*
>
> ***Likelihood/probability of risk here is IMMINENT/HIGH/SIGNIFICANT/~~MODERATE/LOW/NEGLIBLE~~***
> *(Delete as appropriate)*
> ***Impact/severity of risk is***
> ***HIGH/~~MEDIUM/LOW~~***
> *(Delete as appropriate)'*[597]

345. There was no provision for identification of controls to manage the risk identified in the assessment completed by DCS David Cook. The Panel has seen the latest version of the document from the London Regional Protected Persons Unit, which now contains a section for the identification of controls for risk management.

346. This risk assessment does not appear to have been available to the court at the subsequent pre-trial hearings, which culminated in the prosecution offering no evidence against the Defendants. DS Gary Dalby subsequently told the court that '*he did not think that he had passed on to the de-briefing team what Mr Eaton had said about nearly having had a nervous breakdown and having been in a psychiatric unit*';[598] and former DCS David Cook told the

592 Note and transcript pertaining to pre debrief meeting report three, c11am in respect of Gary Eaton, MPS006748001, pp73-74, 27 July 2006.
593 Note and transcript pertaining to pre debrief meeting report three, c11am in respect of Gary Eaton, MPS006748001, pp103-105, pp111-112, pp156-158, 27 July 2006.
594 Note of pre debrief meeting, MPS006749001, 28 July 2006.
595 Risk Assessment by DCS David Cook, MPS109471001, pp64-74, 29 July 2006.
596 Decision 4, Decision Log by D/Supt Barry Phillips, AO Debrief, MPS109704001, p94, 20 September 2006.
597 Risk Assessment by DCS David Cook, MPS109471001, p72, 29 July 2006.
598 Ruling of Mr Justice Maddison, MPS107506001, p12, para 51, undated.

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court '*that he could not recall telling the debriefing team about this either, and did not know if anyone else had done so*'.[599] Although the debrief team, including D/Supt Barry Phillips, had been alerted by DCS Cook to the fact that Gary Eaton had mental health problems, there is no evidence that DCS Cook had alerted them to his previous hospitalisation, of which he was aware as a consequence of the meeting on 26 July 2006, although he had identified the risk (see paragraph 323 above).

347. When DCS David Cook conducted the risk assessment of 29 July 2006, he identified the possible risk attached to Gary Eaton's '*mental illness*' as '*high*'. Although D/Supt Barry Phillips recorded in his Decision Log that the risk assessment had been shared '*to identify risks and formulate appropriate control measures*', there is no evidence that there was any consideration of the possible significance of this risk for the forthcoming debrief, or any initial attempt to clarify the situation or to introduce any controls to manage it.

348. Telephone calls occurred on 29 and 30 July 2006 between DCS David Cook and Gary Eaton. On 31 July 2006, 01 and 02 August 2006, Gary Eaton was met by various other police officers.[600] On 31 July 2006, records show that DS Danny Dwyer and another officer met Gary Eaton in connection with his accommodation. It was recorded that, '[d]*uring normal conversation with Mr Eaton is it* [sic] *clear that he was a man of violence. He is very nervous and is in fear of Jimmy Cook and his associates.*'[601]

349. On 01 August 2006, Gary Eaton had an introductory meeting with a Detective Constable in the presence of his solicitor. The fact that he was present voluntarily and that he could leave at any time was explained to him, as was the process of being debriefed as a prosecution witness. Arrangements were made for the commencement of the debrief. [602]

350. Between 02 and 06 August 2006, there were various texts and telephone calls between DCS David Cook and Gary Eaton, which were recorded as relating to welfare and domestic issues, and as not referring to the investigation.

351. Former DCS David Cook told the Panel that when he initially proposed the need for Gary Eaton to be debriefed, there was concern over the cost and capability to do so, since the Metropolitan Police had no suitable accommodation for an Assisting Offender, and the cost of the James Ward debrief was £90,000 per month.[603] This is confirmed by internal correspondence seen by the Panel.

352. On 07 August 2006, DCS David Cook made three policy decisions in relation to Gary Eaton. He recorded that:

i. the debrief of a potential witness into the murder of Daniel Morgan would commence on 07 August 2006. He also stated that the debrief would be conducted under the supervision of D/Supt Barry Phillips.[604]

599 Ruling of Mr Justice Maddison, MPS107506001, p13, para 51, undated.
600 DS Gary Dalby, DS Danny Dwyer, and a Detective Constable.
601 Note of pre debrief meeting six in respect of Gary Eaton, MPS006751001, 31 July 2006.
602 Record of Interview, MPS102850001, 1648–1713, 01 August 2006.
603 Record of Panel interview with DCS David Cook, p6, para 27, 04 June 2015.
604 Copy of Decision Log by DCS David Cook, MPS109615001, p5, 07 August 2006 at 1.05 pm.

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ii. '[s]*hould criminal offences be disclosed by this new potential witness during the course of the initial recruitment debrief then he shall be cautioned but not placed under arrest. Instead he shall be informed that the admission of criminality shall be submitted to the* [Crown Prosecution Service] *for consideration of a prosecution.*'[605]

iii. '*the supervision and support, including that of accommodation and financial support for meals etc, shall, until a decision is made otherwise by the oversight group, be the responsibility of Operation Abelard and the investigative team*'.[606] He also recorded that the Witness Protection Unit *'do not have the resources available to supervise or accommodate this individual*'.[607]

353. It is accepted that this third decision was made to provide a process through which Gary Eaton's immediate welfare needs could be met. However, it was not consistent with the requirement for a sterile corridor between the witness, Gary Eaton and the debrief team, and the Abelard Two Investigation (see paragraphs 150-151 above).

354. There is also, among the papers available to the Panel, a further unsigned Policy Decision dated 07 August 2006 at 1.00 pm, which states that the decision to proceed with the debrief of Gary Eaton was on the basis that Gary Eaton could '*provide evidence in relation to the commission of the murder by Jimmy Cook at the instigation of Sid FILLERY* […]',[608] and that the debrief would be done under the supervision of D/Supt Barry Phillips, '*who is not in any way connected to the current investigation team. This will reduce any contamination of the potential witness adding integrity to what is said.*'[609] Former DCS David Cook told the Panel in interview that the appointment of D/Supt Phillips was a decision made after discussion with DAC John Yates.[610]

355. A debrief team was appointed by D/Supt Barry Phillips, the Senior Investigating Officer for the debrief, on 07 August 2006.[611] A Detective Chief Inspector was the Senior Investigating Officer for the Criminal Justice Protection Unit, which was responsible for Gary Eaton's welfare. The Deputy Senior Investigating Officer for that team was a Detective Inspector.[612] The Debrief Manager was a Detective Constable; and DS Anthony Moore together with a Metropolitan Police staff member were the debriefers.[613] On 16 August 2006, due to the Debrief Manager's forthcoming retirement, DS Moore became the Debrief Manager, and the Metropolitan Police staff member and a serving Detective Constable were the debriefers.[614]

356. On 08 August 2006, Gary Eaton entered a recruitment process as a possible Assisting Offender. At the time of the agreement, Gary Eaton was not in custody. Legal advice was sought from Stuart Sampson and Jonathan Rees, barrister, and an operational decision was made to

605 Copy of Decision Log by DCS David Cook, MPS109615001, p11, 07 August 2006 at 1.20 pm.
606 Copy of Decision Log by DCS David Cook, MPS109615001, p10, 07 August 2006 at 1.50 pm.
607 Copy of Decision Log by DCS David Cook, MPS109615001, p10, 07 August 2006 at 1.50 pm.
608 Decision Log by DCS David Cook, MPS109615001, p6, 07 August 2006.
609 Decision Log by DCS David Cook, MPS109615001, p6, 07 August 2006.
610 Panel interview with former DCS David Cook, Transcript 5, p1, 26 August 2020.
611 Decision 3, Decision Log for D/Supt Barry Phillips, MPS106014001, p43 and p47, date unreadable.
612 Operation Megan Report by D/Supt Fiona McCormack, MPS109687001, p36 para 8.5.2.10, undated.
613 Decision 3, Decision log for D/Supt Barry Phillips, MPS106014001, p43 and p47 date unreadable.
614 Decision 10, Decision log for D/Supt Barry Phillips, MPS106014001, p52 16 August 2006.

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debrief him in accordance with the Serious Organised Crime and Police Act 2005, albeit not in custody. It was decided to complete all interviews under caution in the presence of a solicitor representing him.[615]

357. On 09 August 2006, the debrief process was further explained to Gary Eaton, and D/Supt Barry Phillips introduced the debrief officers and explained their role. There was preliminary discussion about what Gary Eaton had told DCS David Cook on 09 and 10 August and about his previous criminality.

358. Former DCS David Cook stated to the Panel that Gary Eaton had had no income and there was then no alternative source of funding, so, as Senior Investigating Officer, he had decided to arrange hotel accommodation and to meet with him on a regular basis to provide funds for food and to look after his welfare until other arrangements were made by the Metropolitan Police. He believed that it was important to have him on hand, and in the London area, until the Metropolitan Police made a decision as to whether to use him as a witness in the investigation.

359. In interview with Commander Simon Foy and Jenny Hopkins from the Crown Prosecution Service in 2011, during a Crown Prosecution Service and Metropolitan Police Review of the Abelard Two Investigation case, former DCS David Cook said that there was a period of 14 days before the decision was made to accept Gary Eaton into a debriefing process and that during that time the Abelard Two Investigation had to look after him. He has stated that he does not recall ever having a discussion with Gary Eaton during these meetings regarding any evidence he was to provide. He simply looked after his welfare.[616]

360. By 10 August 2006, Gary Eaton had admitted, under caution, to having engaged in the supply and distribution of Class A drugs, having supplied firearms for use in robberies, and having engaged in an aggravated burglary. DCS David Cook recorded the decision not to arrest at this time as being due to the potential compromise to Gary Eaton's safety, and to the detrimental effect that an arrest would have had on the possibility of Gary Eaton being prepared to give evidence. D/Supt Barry Phillips also recorded the admissions and attached the decision made by DCS Cook to his Decision Log.[617]

361. On 10 August 2006, DCS David Cook recorded a policy decision that the care and protection of Gary Eaton should be handed over to the Criminal Justice Protection Unit.[618]

362. At various intervals during his debriefing, Gary Eaton was provided with medical services and counselling sessions, because of his physical and mental health difficulties. His mental health and his conduct generally were a cause for concern and resulted in many further difficulties throughout the debrief period (see sections 6.4.1-6.4.8 below).

6.4.1 Issues with witness protection

363. On 11 August 2006, officers from the Metropolitan Police Criminal Justice Protection Unit, under the leadership of Commander Shaun Sawyer, took responsibility for Gary Eaton's safety and welfare.[619] There were at that stage, therefore, three teams of officers connected to Gary Eaton: DCS David Cook and his investigators; D/Supt Barry Phillips and his debriefers; and the Detective Chief Inspector and his Criminal Justice Protection Unit team.

615 Abelard II, Report to the Crown Prosecution Service, MPS103338001, pp233-234, 13 June 2007.
616 Letter from former DCS David Cook to Baroness Nuala O'Loan, 07 March 2017.
617 Decision 9, Decision log for D/Supt Barry Phillips, MPS106014001, pp48-49, 10 August 2006.
618 Decision Log by DCS David Cook, MPS109615001, p9, 07 August 2006.
619 Operation Megan Report, MPS109687001, pp35-36, paras 8.5.2.9-8.5.2.10, 19 September 2006.

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364. Also, on 11 August 2006, Gary Eaton provided details to the Criminal Justice Protection Unit about himself, family who were living with him, and family members who had close contact with him. He provided a medical history but made no mention of psychiatric issues.[620] A formal agreement was entered into setting out the terms on which the Metropolitan Police agreed to take responsibility for the welfare and safety of Gary Eaton and Person G23, his partner.[621]

365. There is no record that the members of the Criminal Justice Protection Unit were provided with the risk assessment which had been created by DCS David Cook on 29 July 2006 (see paragraph 344 above).

366. As stated above, the Senior Investigating Officer for Gary Eaton's debrief was D/Supt Barry Phillips. DI Douglas Clarke, a member of the Abelard Two Investigation, was appointed as the single point of contact between the debrief team and the investigation. There was a requirement for a sterile corridor involving no contact between an Assisting Offender and the investigation, so that it could be shown that there was no attempt to influence or contaminate the evidence given. Gary Eaton and Person G23 were located in a secure location, and the debrief was conducted in a separate secure location.

367. The sterile corridor was explained to Gary Eaton and Person G23 by the Criminal Justice Protection Unit officers. They were told they could not have any contact with DCS David Cook and the Abelard Two Investigation. DCS Cook was instructed that he and his team should have no direct contact with Gary Eaton and Person G23.[622] Despite this, on 15 August 2006 and 18 August 2006, the Criminal Justice Protection Unit recorded that Gary Eaton asked to be allowed to speak to DCS Cook. This was facilitated. On 23 August 2006, Gary Eaton telephoned DCS Cook. The Criminal Justice Protection Unit told him that this was a breach of his agreement.[623]

368. On 08 August 2005, DCS David Cook had reported information received from James Ward alleging corrupt behaviour by D/Supt Barry Phillips, which allegedly led to the imposition of a '*low sentence*' on an offender in another prosecution, in which the source in question was not involved.[624] No further information about alleged corruption was supplied by DCS Cook. A disclosure note, produced in 2011, by Nicholas Hilliard QC and Jonathan Rees QC (as he became), said that a report on these allegations was produced by a Detective Constable on 04 May 2006. It noted the report's conclusion stating that '[n]*o evidence had been discovered to support allegations that a corrupt relationship existed between Phillips and* […] *or that Phillips had any influence on the trial proceedings*'.[625]

369. Former DCS David Cook also expressed concerns to the Panel during his interview about the fact that he had been told by DI Douglas Clarke that D/Supt Barry Phillips owned a company which typed the transcripts for the debrief of both James Ward and Gary Eaton.[626] The Panel has since been advised that the typing company in which D/Supt Phillips had an interest had typed up the transcripts of the debrief of Gary Eaton, but not those of James

620 Information extracted from Criminal Justice Protection Unit File, MPS1097170001, p116, 11 August 2006.
621 Operation Megan Report, MPS109687001, p35, para 8.5.2.9, undated.
622 Information extracted from Criminal Justice Protection Unit File MPS1097170001, p116, 11 August 2006.
623 Information extracted from Criminal Justice Protection Unit File, MPS1097170001, p117, 23 August 2006.
624 Intel Reports, MPS107897001, pp18-20, 08 August 2005.
625 Disclosure Note Regina v William Jonathan Rees & others, CLA000179001, p3, para 1. (f), 06 January 2011.
626 Panel interview with former DCS David Cook, Transcript 3, pp22-23, 25 August 2020.

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Ward. Former D/Supt Phillips told the Panel that he registered his wife's transcription company with the Metropolitan Police as a business interest and did not have any involvement with the company until his retirement in 2008. Former D/Supt Phillips also stated that his wife had no involvement with the management of Gary Eaton's debrief material, as this was dealt with by a different office.

370. Former DCS David Cook also said that D/Supt Barry Phillips was often '*either off sick, off on annual leave, or off on some other reason*'.[627] He said that he '*had no end of aggravation with Eaton, when Barry should have been there sorting it out. And because Barry wasn't there sorting that out, I ended up sorting it out*.'[628] In January 2021, former D/Supt Phillips denied former DCS Cook's allegation that he was frequently absent. Former D/Supt Phillips stated that he was not absent from duty during the debrief process due to annual leave, and rarely used his annual leave quota in full. There is no evidence that DCS Cook raised this issue with DAC (later AC) John Yates during the debrief of Gary Eaton.

371. DS Anthony Moore reported that, while he had had contact on multiple occasions with D/Supt Barry Phillips and that, for example, D/Supt Phillips had on one occasion recorded receiving a telephone call from Gary Eaton at 3.00 am, he (DS Moore) had had difficulties in accessing D/Supt Phillips on occasions during the debrief.[629]

372. Records show that between 11 August 2006 and 18 October 2006, the Criminal Justice Protection Unit officers experienced major problems relating to both Gary Eaton and Person G23 which had an ongoing effect on the debriefing process.

373. Records show, for example, the following:

i. Both Gary Eaton and Person G23 continued to contact friends and relatives despite having been told that this might place them at risk as information about them became known.

ii. Person G23 asked for separate accommodation, complained that Gary Eaton was a bully, very possessive and very aggressive, and said that they were afraid of him.

iii. Person G23 was then relocated and on 30 August 2006 decided to end their relationship. While Person G23 was with police on this occasion, Gary Eaton telephoned Person G23 at least 20 times and sent abusive texts. Person G23 was relocated by police to an address unknown to Gary Eaton.[630]

iv. He was informed of this fact by police, but he was not told where Person G23 was.[631] Person G23 had sought assurances that he would not be told about the new location.[632]

627 Panel interview with former DCS David Cook, Transcript 3, p22, 25 August 2020.
628 Panel interview with former DCS David Cook, Transcript 3, p23, 25 August 2020.
629 Interviewed as part of the Metropolitan Service/Crown Prosecution Service joint review.
630 Information extracted from Criminal Justice Protection Justice File, MPS1097170001, p118, 30 August 2006.
631 Decision log for D/Supt Barry Phillips, MPS106014001, p61, 30 August 2006.
632 Other Document D326, Three Documents: Closing Report for Operation Abelard II, by Gary Dalby, 16 September 2011; CPS Case summary, by Jonathan Rees QC, 27 August 2008; Ruling of Mr Justice Maddison, undated, MPS109597001, p52, 16 September 2011.

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374. By 30 August 2006, only three weeks into the debrief process, the Criminal Justice Protection Unit had become very concerned about breaches of the sterile corridor between Gary Eaton, Person G23 and the Abelard Two Investigation team, and other significant difficulties. A list of the issues of concern created for the Criminal Justice Protection Unit by a Detective Constable read as follows:

i. The Criminal Justice Protection Unit had not received a full threat assessment of either of the parties.

ii. Both Gary Eaton and Person G23 repeatedly contacted friends/associates without permission throughout the debriefing.

iii. The sterile corridor was not maintained between the investigation team, Gary Eaton and Person G23 and the Criminal Justice Protection Unit.

iv. Many decisions made by the Criminal Justice Protection Unit were overruled by the Abelard Two Investigation, which also continued to fund Gary Eaton and Person G23 contrary to the requirement that there be no contact between the Abelard Two Investigation and Gary Eaton and Person G23.

v. The Criminal Justice Protection Unit had no control over Gary Eaton's actions and the high expenditure of Gary Eaton and Person G23.

vi. The conditions of Gary Eaton's agreement could not be enforced.

vii. Gary Eaton was compromising the system and the Criminal Justice Protection Unit officers and his own safety.[633,634]

375. Gary Eaton had been asked to surrender any phones or sim cards in his possession by those responsible for the debrief, but the Criminal Justice Protection Unit officers knew that he had an additional mobile phone. They suggested that this was provided by the Abelard Two Investigation, although this was denied by the investigation.[635]

376. Person G23 subsequently returned to live with Gary Eaton. A further Criminal Justice Protection Unit record of 03 September 2006 stated that '[t]*hese clients are becoming unmanageable. They believe that if they are unhappy with our replies or instructions the* [sic] *can go directly to the debrief or ops* [investigation] *team to have any unfavourable decision over-ruled. This is proving most difficult in their management. They have also showed they are incapable of managing funds provided. Cash provided is for incidental living expenses, rent and food having so far been provided. They continue to spend these funds immediately, mostly on alcohol and cigarettes and demand more.*'[636] In cross-examination, during the pre-trial hearing at the Old Bailey in 2010, former DCS David Cook accepted that he did over-rule some instructions issued by the Criminal Justice Protection Unit.[637]

377. On 04 September 2006, an internal briefing note was created for the Criminal Justice Protection Unit. It stated that Gary Eaton:

633 Information extracted from Criminal Justice Protection Unit File, MPS1097170001, p118, 30 August 2006.
634 Ruling of Mr Justice Maddison, MPS107506001, p16, para 70 and pp22-23, para 98, undated.
635 Witness statement of a Detective Constable, MPS079333001, p1, 08 December 2009.
636 Information extracted from Criminal Justice Protection Unit File, MPS109717001, p119, 03 September 2006.
637 Ruling of Mr Justice Maddison, MPS107506001, p16, para 70, undated.

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i. '*has memorised the mobile telephone number of the SIO* [Senior Investigating Officer] *and is/has been in direct contact without going through his CJPU* [Criminal Justice Protection Unit] *handlers.*

ii. *has been in telephone contact with friends/associates.*

iii. *was provided adequate accommodation and refused to live there.*

iv. *is receiving preferential treatment/service to keep the debrief process on track. GE's demands and behaviour may lead to allegations of inducement at court.*

v. *is unable to manage his weekly living expenses.*

vi. *The continual demands of GE, including regular telephone calls into the early hours, have resulted in significant overtime expenditure and the cancellation of rest days and annual leave. The current resource levels are severely impacting on other cases. The current level of commitment will in the long-term be unsustainable.'* [638]

378. It concluded that the '*behaviour of GE and* [Person G23] *would ordinarily merit their exclusion from the WPP* [Witness Protection Programme]'.[639] It made various suggestions, the final of which was to '*consider abstracting the CJPU from the protection process, save funding accommodation and living expenses, and allow the SIO* [Senior Investigating Officer] *and SIO de-brief team to manage the risks*'.[640]

379. Analysis of the Schedule of Contact between the Criminal Justice Protection Unit and Gary Eaton and Person G23 shows that there had been 110 interactions between 11 August 2006 and 20 September 2006.[641] Of those, 45 calls had been made by Gary Eaton or Person G23 to members of the Criminal Justice Protection Unit including, for example, on 01 September 2006 when Person G23 '*rang several times through the day with drunken abusive messages*', and also '*sent 15 abusive text messages*'.[642] The Schedule also records calls from Gary Eaton or Person G23 at varying times during the day and night, including:

i. 6.00 am on 18 August 2006

ii. 2.00 am on 24 August 2006

iii. 2.45 am on 02 September 2006

iv. 0.34 am on 17 September 2006

v. 3.54 am on 20 September 2006

vi. 4.00 am on 20 September 2006

vii. 4.47 am on 20 September 2006.

638 Internal Criminal Justice Protection Unit briefing paper, MPS1097170001, pp122-123, 04 September 2006.
639 Internal Criminal Justice Protection Unit briefing paper, MPS1097170001, p123, 04 September 2006.
640 Internal Criminal Justice Protection Unit briefing paper, MPS1097170001, p123, 04 September 2006.
641 Schedule of contact with Gary Eaton, MPS006763001, pp23-26, various dates.
642 Schedule of contact with Gary Eaton, MPS006763001, p25, 01 September 2006.

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380. By 19 September 2006, Gary Eaton had twice disclosed the location in which he was being debriefed to a third party. There were ongoing problems in relation to Person G23, and DCS David Cook had decided, against the immediate advice of the Detective Chief Inspector leading the Criminal Justice Protection Unit, that members of DCS Cook's investigation team should facilitate Person G23 in visiting their family. He recorded that he did so because '[w]*ithout taking efforts to resolve the personal issue that* [Person G23] *has* […] *then the potential exists that the debrief may not continue*'.[643]

381. On 19 September 2006, the Detective Chief Inspector leading the Criminal Justice Protection Unit recorded that he was not prepared to continue to be responsible for Gary Eaton and Person G23 and that responsibility should pass to DCS David Cook.[644] He recorded that '*their behaviour would ordinarily merit their exclusion several times*'.[645] However, he also recorded that at the subsequent meeting, he was directed to continue, despite his grave concerns about the case and his inability to control and protect the witnesses.[646]

382. On 20 September 2006 at 7.30 am, a meeting took place to discuss the difficulties and challenges presented by Gary Eaton, which was attended by DCS David Cook, T/DCI Noel Beswick, D/Supt Barry Phillips and two officers from the Criminal Justice Protection Unit. The minutes of this meeting were not available to the Panel, which has relied on Mr Justice Maddison's account of the meeting, as described in his judgment on Gary Eaton.[647]

383. The Detective Constable from the Criminal Justice Protection Unit had produced a further list of concerns for this meeting about the conduct of the debrief of Gary Eaton which included all the matters raised on 30 August 2006 and additional issues.[648] The list of concerns[649] can be summarised as follows:

i. There was no full threat assessment for any of the parties involved;

ii. There was repeated unauthorised contact with friends/associates compromising their locations;

iii. There was direct unauthorised contact with DCS Cook;

iv. There were breaches of the sterile corridor between the Criminal Justice Protection Unit, Gary Eaton and Person G23, the investigation and debriefing teams;

v. Decisions of the Criminal Justice Protection Unit were overruled by the debriefers, and the Abelard Two Investigation seemed to be jointly funding Gary Eaton and Person G23;

vi. Gary Eaton had been provided with adequate accommodation and refused to live there;

vii. There was no control over how Gary Eaton and Person G23 spent their money. They received £250 a week and all bills were covered by police, yet they repeatedly asked for more money during the week;

643 Decision 57, Decision Log by DCS David Cook, MPS080344001,19 September 2006.
644 Decision 46, Operation Megan Reporting of Criminal Justice Protection Unit, MPS109687001, p36, para 8.5.2.15, 19 September 2006.
645 Decision 46, Operation Megan Reporting of Criminal Justice Protection Unit, MPS109687001, p36, para 8.5.2.15, 19 September 2006.
646 Decision 46, Operation Megan Reporting of Criminal Justice Protection Unit, MPS109687001, p36, para 8.5.2.15, 19 September 2006.
647 Ruling of Mr Justice Maddison, MPS107506001, pp24-25, paras 103-105, undated.
648 Witness statement of a Detective Constable, MPS079333001, p1, 08 December 2009.
649 Ruling of Mr Justice Maddison, MPS107506001, pp22-23, para 98, undated.

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viii. It was not possible to enforce the terms of Gary Eaton's debrief, since the Abelard Two Investigation and the debriefers gave into Gary Eaton's demands, thus undermining the Criminal Justice Protection Unit and making any attempt to control Gary Eaton impossible;

ix. The breaches of the agreement compromised the safety of the Criminal Justice Protection Unit and the client's safety as well as the debrief system;

x. Gary Eaton and Person G23 had arguments, often fuelled by alcohol, which resulted in police being called by neighbours;

xi. It was evident that Gary Eaton was playing one party off against another;

xii. The problem was compounded by all parties having direct access to Gary Eaton, but limited contact with each other;

xiii. Gary Eaton had sent postal orders compromising his location to associates seeking the forwarding of his mail;

xiv. Gary Eaton had threatened his handlers with violence.

384. In his judgment, Mr Justice Maddison's account shows that it was agreed at this meeting:

i. The Criminal Justice Protection Unit would be the single point of contact for Gary Eaton and Person G23;

ii. All operational issues would be referred to the debrief team by the Criminal Justice Protection Unit;

iii. All welfare issues would be managed by the Criminal Justice Protection Unit;

iv. DCS David Cook would retain duty of care responsibility for Gary Eaton and Person G23 '*until the sterile corridor is regained*';

v. The Criminal Justice Protection Unit would replace Gary Eaton's and Person G23's phones and would attempt to ensure that Gary Eaton did not have the telephone numbers of DCS Cook or D/Supt Barry Phillips.[650] Gary Eaton and Person G23 were issued with two new mobile phones and the existing phones were removed to try to prevent them from contacting DCS Cook.[651] However DCS Cook's phone number remained the same.

385. The provision at paragraph 384 iv above is meaningless as, if DCS David Cook were to be able to discharge a duty of care towards Gary Eaton at this time, he would have to know what was going on in relation to the debrief and have the authority to deal with it. This would have caused conflict between his role as Senior Investigating Officer for the Abelard Two Investigation and the requirements for debriefing Assisting Offenders which were that a team separate from and managed by someone other than the Senior Investigating Officer had to be in place.

650 Ruling of Mr Justice Maddison, MPS107506001, p24, para 103, undated.
651 Ruling of Mr Justice Maddison, MPS107506001, p25, para 106, undated.

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386. Over several weeks, while the debrief continued, these decisions were implemented. The Criminal Justice Protection Unit continued to have responsibility for Gary Eaton and Person G23 until 18 October 2006.

387. The description by the Criminal Justice Protection Unit of the conduct of Gary Eaton and Person G23 during the period from 11 August 2006 to 18 October 2006 shows that members of the unit faced very significant difficulties, abuse, physical threats and constant demands for money. This situation alone should have led DCS David Cook to reconsider the use of Gary Eaton as a witness.

In January 2021, former DCS Cook told the Panel that he and the Abelard Two Investigation were not given sight of the document about Gary Eaton prepared by the Criminal Justice Protection Unit, and although he was told that Gary Eaton was difficult and challenging to manage, he was not told in detail what was later found to be in the files. The evidence shows that DCS Cook was aware of the significant difficulties in managing Gary Eaton. He should have reconsidered the use of Gary Eaton as a witness at this stage.

388. On 18 October 2006, DCS David Cook was contacted by a Detective Inspector from the Criminal Justice Protection Unit with responsibility for Gary Eaton and told that his (the Detective Inspector's) house had been broken into and his secure briefcase, which had details of Gary Eaton and of other cases, had been stolen. Former DCS Cook said in 2017 that an intelligence report detailed the burglary and concerns regarding the relationship the Detective Inspector may have had with people connected to the suspects in the Daniel Morgan murder investigation.[652]

389. On 19 October 2006, discussions were held between DCS David Cook, D/Supt Barry Phillips and the Directorate of Professional Standards Witness Protection Unit. It was agreed that responsibility for Gary Eaton's welfare should pass from the Criminal Justice Protection Unit to the Directorate of Professional Standards Witness Protection Unit, and the debrief location be moved.[653] There was ongoing discussion about unauthorised contact between Gary Eaton and DCS Cook. DCS Cook wrote to the officer from the Witness Protection Unit responsible for the new arrangements to confirm the following:

i. He would not contact Gary Eaton while the debrief was ongoing;

ii. Should Gary Eaton attempt to contact him it would be reported to the officer or to D/Supt Phillips;

iii. Should Gary Eaton contact him on more than two occasions he would change his mobile phone number; and

iv. Gary Eaton should be told again not to make contact, and informed that if he did so, then DCS Cook's telephone number would be changed.[654]

652 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p29, 11 July 2017.
653 Decision log for D/Supt Barry Phillips, MPS106014001, p11, 20 September 2006.
654 Decision log for D/Supt Barry Phillips, MPS106014001, p11, 20 September 2006.

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390. There were ongoing problems with Gary Eaton who continued to be abusive of police officers and staff whom he encountered, and of Person G23. On 24 October 2006, responsibility for Gary Eaton and Person G23 was handed over by the Criminal Justice Protection Unit to the Directorate of Professional Standards Witness Protection Unit. Gary Eaton was told again that he should not contact DCS David Cook. Despite this, DCS Cook continued to be in frequent contact with Gary Eaton.[655]

391. On 31 October 2006, Gary Eaton completed a document stating that he had not received any treatment for drug or alcohol abuse or depression or any other mental illness and that he had served in the Royal Navy for 14 years.[656] Both these statements were untrue.[657] He also signed a Memorandum of Understanding with the Metropolitan Police which set out his obligation to '*behave in a manner expected from a law-abiding member of the public, and not reveal to any other person that he was being assessed for the witness protection programme*'[658] and the obligations of the Metropolitan Police under the Serious Organised Crime and Police Act 2005.

392. On 31 October 2006, Gary Eaton was asked by the Witness Protection Unit about his family. He said that he had no idea where his father was and that he thought he was living in a named area, but he had not seen him for years.[659]

393. Gary Eaton repeatedly caused damage to property in which he was located.[660] On the night of 09/10 December 2006 police were called to a disturbance at Gary Eaton and Person G23's accommodation.[661]

394. Both Gary Eaton and Person G23 continued to cause difficulties at the accommodation, and on 18 December 2006 Gary Eaton was sent a letter warning him that his conduct was in breach of his obligations under the Memorandum of Understanding which he had signed on 31 October 2006. He was warned that any further breaches might result in him not receiving 'protected' status.[662] On 24 January 2007, Gary Eaton punched a hole in the wall of his accommodation.[663]

395. In addition to this, Gary Eaton again demanded money in excess of the allowance made available to him by police during the debriefing,[664] and records indicate that he and Person G23 were paid in excess of £72,000 for living expenses up to 18 September 2009.[665] In 2010, Gary Eaton alleged that:

i. DS Anthony Moore had offered improperly to provide him with a name;[666]

655 Ruling of Mr Justice Maddison, MPS107506001, pp25-26, para 111, undated.
656 Redacted copy of extracts from Witness Protection Unit file for Gary Eaton, MPS1097170001, pp80-81, 31 October 2006.
657 Ruling of Mr Justice Maddison, MPS107506001, p6, para 24; and, p9, para 35, undated.
658 This Memorandum of Understanding is not available. Ruling of Mr Justice Maddison, MPS107506001, p27, para 116, undated.
659 Ruling of Mr Justice Maddison, MPS107506001, pp26-27, para 116, undated.
660 Other Document D326, Three Documents: Closing Report for Operation Abelard II, by Gary Dalby, 16 September 2011; CPS Case summary, by Jonathan Rees QC, 27 August 2008; Ruling of Mr Justice Maddison, undated, MPS109597001, p65, para 123,16 September 2011.
661 Redacted copy of extracts from Witness Protection Unit file for Gary Eaton, MPS1097170001, p11, 10 December 2006.
662 Redacted copy of extracts from Witness Protection Unit file for Gary Eaton, MPS1097170001, pp74-75, 18 December 2006.
663 Redacted copy of extracts from Witness Protection Unit file for Gary Eaton, MPS1097170001, p121, 24 January 2007.
664 Other Document D326, Three Documents: Closing Report for Operation Abelard II, by Gary Dalby, 16 September 2011; CPS Case summary, by Jonathan Rees QC, 27 August 2008. Ruling of Mr Justice Maddison, MPS109597001, undated, p59, para 98,16 September 2011.
665 Other Document D326, Three Documents: Closing Report for Operation Abelard II, by Gary Dalby, 16 September 2011; CPS Case summary, by Jonathan Rees QC, 27 August 2008; Ruling of Mr Justice Maddison, undated, MPS109597001, p68, para 149, 16 September 2011.
666 Question to DI Anthony Moore re Eaton Debrief, MPS107169001, p3, 20 October 2010.

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ii. DS Anthony Moore had shown him a face (shown a photograph) at an identification procedure; and

iii. former DCS David Cook should not have been on the case.

396. The Witness Protection Unit, which was then responsible for Gary Eaton and Person G23, made enquiries into these allegations. In respect of these three allegations, Gary Eaton said that:

i. '*during a break in his debrief one day one of the debriefing officers, Tony Moore (TM), had suggested that he might jog his memory in respect of the name of a person whom he had been discussing. He immediately rejected the suggestion and the matter was dropped by TM.*'[667] Gary Eaton also said that he subsequently complained about the matter to D/Supt Barry Phillips and that as a result DS Moore was removed from the enquiry a very short time later;[668]

ii. any discussion about the identification procedure had occurred after the procedure had been completed; and

iii. former DCS Cook '*used to ring him up and say things but that none of what he had said was inappropriate*'.[669]

397. The Witness Protection Unit informed T/DCI Noel Beswick of their enquiries on 27 August 2010.[670] On the same day, T/DCI Beswick reported to Commander Simon Foy informing him of the Witness Protection Unit enquiry, that there was no record that DS Anthony Moore was removed from the debrief, and there was no mention of the alleged incident in D/Supt Barry Phillips' Decision Log.[671] An investigation into Gary Eaton's alleged complaint was carried out by the Directorate of Professional Standards. A Detective Sergeant produced a report on this investigation addressed to D/Supt Tony Evans. The report recorded that Gary Eaton refused to substantiate the allegation.[672] When asked, in 2010, about the allegations which Gary Eaton had made against him, DI (formerly DS) Moore categorically denied the allegation.[673] It was established that he had worked on the debrief of Gary Eaton until it finished.[674] Former D/Supt Phillips has denied that any complaint was made by Gary Eaton and informed the Panel that he had not removed DS Moore from the debrief.

398. Gary Eaton did not make his complaint against DS Anthony Moore until 2010. Significant difficulties between DS Moore and Gary Eaton can be identified from the material available to the Panel because of Gary Eaton's conduct during the debrief, but, having examined the information, it is clear that DS Moore continued to work on the debrief of Gary Eaton, and there is no evidence of any wrongdoing by DS Moore in relation to the debriefing of Gary Eaton.

667 Witness Protection Unit, Case Note, MPS001357001, p1, 20 May 2010.
668 Witness Protection Unit, Case Note, MPS001357001, p1, 20 May 2010.
669 Witness Protection Unit, Case Note, MPS001357001, p1, 20 May 2010.
670 Memorandum from T/DCI Noel Beswick to Commander Simon Foy, MPS109614001, 27 August 2010.
671 Memorandum from T/DCI Noel Beswick to Commander Simon Foy, MPS109614001, pp1-2, 27 August 2010.
672 Operation Scaup Document 317, MPS109851001, pp8-9, 13 October 2010.
673 Question to DI Anthony Moore re Eaton Debrief, MPS107169001, p4, 20 October 2010.
674 R v Rees and Others Further extracts from Witness Protection Unit files for Gary Eaton, MPS001355001, p2, undated.

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6.4.2 Gary Eaton's initial evidence

399. As explained previously, Gary Eaton was debriefed over a period of months, during which he expanded upon the specific initial information which he had given. The initial information was that regarding the murder of Daniel Morgan:

i. '*James COOK was there*'.[675]

ii. DS Sidney Fillery '*set it up*'.[676]

iii. He had been asked to do the job himself and was offered '*Fifty grand cash*'. He refused outright. The money was to come from '*Sid's side'* through James Cook.[677]

iv. James Cook had told him '*that Sid wanted the job done*'.[678]

v. Daniel Morgan was murdered because '*he got wind of the other's dealings. Sid FILLERY and Jonathan REES had a lot of other things going on in the partnership.*'[679]

vi. He did not think that Jonathan Rees '*had any involvement in the actual murder* […]*. He was well aware of it. He did have involvement in that side of it. I'm ninety nine per cent sure he did.*'[680] Later he said '*see Jonathan, I won't mention him because he doesn't really come into it does he?*'[681] Gary Eaton said on two occasions at this first meeting that he did not think that Jonathan Rees had a role in the murder.[682]

vii. He did not know who committed the murder.[683]

400. Witnesses do not always tell the whole story at the first encounter with the police. On occasion, they need time to gain either trust in the police or the courage to tell what they know. It is therefore accepted by the Panel that evidence may emerge slowly over a period of time. However, it is significant that the chronology of Gary Eaton's evidence was such that suspicions began to emerge as to his credibility as a witness. As shown below, very rapidly concerns grew about ongoing contact between Gary Eaton and DCS David Cook, and the development of his evidence.

6.4.3 The development of Gary Eaton's evidence

401. On 16 August 2006, after several interviews, it was recorded that the debrief was suspended as Gary Eaton had said that he wanted to instruct a different solicitor.[684] He was examined by a doctor who recommended that he remain on his current medication and said that he was healthy apart from conditions which had been dealt with previously. Records demonstrate that there continued to be significant difficulties in establishing the arrangements for the debrief, and in enforcing the sterile corridor between Gary Eaton and the Abelard Two Investigation.[685]

675 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, pp5-6, 26 July 2006.
676 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p17, 26 July 2006.
677 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p33, 26 July 2006.
678 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p33, 26 July 2006.
679 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, pp31-32, 26 July 2006.
680 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p36, 26 July 2006.
681 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p49, 26 July 2006.
682 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p36 and p49, 26 July 2006.
683 Note and transcript pertained to pre debrief meeting report one in respect of Gary Eaton, MPS006746001, p47, 26 July 2006.
684 Full schedule of contact with Gary Eaton by investigating team and others, MPS006763001, p8 16 August 2006.
685 Decision 13, Decision log for D/Supt Barry Phillips, MPS106014001, pp55-56, Date unreadable.

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402. On 17 August 2006, the Decision Log maintained by the debrief team recorded that any contact with or from Gary Eaton was to be dealt with by the Criminal Justice Protection Unit.[686] A further decision was recorded on 24 August 2006 to tell Gary Eaton that he should not contact DCS David Cook. It stated, '*he has memorised the SIO's number and has a tendency to contact the SIO to "Iron out" any difficulties*'.[687]

403. There is no record of any further debriefing until 29 August 2006.[688]

404. On 28 August 2006, DCS David Cook was in telephone contact with Gary Eaton[689] for 9 minutes 22 seconds.

405. On 29 August 2006, Gary Eaton was debriefed in the presence of his new solicitor.[690] DCS David Cook telephoned him at 10.53 pm and again at 10.56 pm, a call which lasted 21 minutes 14 seconds.[691]

406. On 30 August 2006, D/Supt Barry Phillips recorded a decision in his Policy File to '*maintain a separate log of telephone calls and contact for* [Gary Eaton]'.[692] His reasons for this decision included the fact that Gary Eaton had been told of '*the need for sterile corridors and not* [to] *deal with DCS Cook and any welfare issues should be notified to the CJPU to manage*'.[693]

407. Analysis of the evidence demonstrates a disturbing chronology of the contacts, in so far as they are known, between DCS David Cook and Gary Eaton and the development of Gary Eaton's account of what he knew about Daniel Morgan's murder. DCS Cook, when questioned, responded that the calls were for welfare purposes.

408. Gary Eaton was also debriefed on 31 August 2006, and again on 01 September 2006 when he provided three pieces of new information, as follows:

i. He had been at the murder scene;

ii. He knew that James Cook was the driver;

iii. He saw James Cook driving away from the murder scene.[694]

409. This was the first occasion on which Gary Eaton had said that he had been present at the murder scene. Previously he had said only that he had been told about it by James Cook. However, at this stage he had still made no disclosure about knowing anything about '*the brothers*'.

686 Decision 18, Criminal Justice Protection Unit Decision Log MPS109687001, p.36, 17 August 2006.
687 Decision 26, Criminal Justice Protection Unit Decision Log MPS109687001. p36, 24 August 2006.
688 Full schedule of contact with Gary Eaton by investigating team and others, MPS006763001, p8, 29 August 2006.
689 Ruling of Mr Justice Maddison, MPS107506001, p15, paras 67-68, undated.
690 Record of debrief interview of Gary Eaton, MPS109041001, p74, 29 August 2006.
691 Ruling of Mr Justice Maddison, MPS107506001, p15, para 68, undated.
692 Decision 13, Decision log for D/Supt Barry Phillips, MPS106014001, p55, 30 August 2006.
693 Decision 13, Decision log for D/Supt Barry Phillips, MPS106014001, pp55-56, 30 August 2006.
694 Record of interview of Gary Eaton, MPS102867001, pp3-6, 1130 – 1134, 01 September 2006.

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410. On the evening of 01 September 2006, DCS David Cook telephoned Gary Eaton twice, on the second occasion for 33 minutes and 28 seconds. He then telephoned him again the following morning for 12 minutes and 42 seconds. Further telephone/text contact between DCS Cook and Gary Eaton took place on 02 and 04 September 2006.[695]

411. In the minutes of the Oversight Group meeting on 04 September 2006 it was reported that Gary Eaton:

i. was still negotiating about entering into an agreement under the Serious Organised Crime and Police Act 2005 and was not adhering to the requests of the Criminal Justice Protection Unit, and that there had been problems with Person G23 who '*distracts him*'; and

ii. had been telephoning DCS David Cook regularly.[696]

412. It is not clear if the internal briefing note, created for the Criminal Justice Protection Unit on 04 September 2006, was made known to the Oversight Group (see paragraphs 377-378 above). The minutes of the Oversight Group meeting do not indicate the full extent of the problems with Gary Eaton and Person G23, as disclosed in the internal briefing note.

413. It is recorded that Commander Shaun Sawyer stated at this meeting that '*there must been* [sic] *no misunderstanding with the CPS* [Crown Prosecution Service] *and there needs* [sic] *to be records of decisions. There is compromise and risks in relation to* [Gary Eaton] *in that* [Person G23] *and solicitor know his address and that the CJPU* [Criminal Justice Protection Unit] *should be divorced from the investigation team and manage the risks*.'[697]

414. No decision was made as to any action which might be taken to address the situation.

415. DAC John Yates, Commander David Johnston and Commander Shaun Sawyer were reported to be concerned about the calls made to DCS David Cook. There is no record that DCS Cook told the meeting that he had also been contacting Gary Eaton.

416. DCS David Cook knew that he should not be in contact with Gary Eaton. The lengthy telephone calls he made to Gary Eaton were in clear breach of all the rules and DCS Cook should have known, even at that stage, that his actions would compromise the integrity of the evidence which the witness might provide. The fact that when challenged, DCS Cook did not reveal that, in addition to Gary Eaton telephoning him, he was contacting Gary Eaton, is indicative of his understanding of what he was doing.

417. DS Anthony Moore's note of events on 05 September 2006 record that Gary Eaton arrived for the debrief at 9.45 am and consulted his solicitor. At 10.55 am when DS Moore brought coffee and cigarettes, it was noted that Gary Eaton '*has broken down and remains in bedroom*'.[698]

695 *'Operation Megan Timeline of Events relevant to Mr Gary EATON's involvement as a SOCPA witness,'* MPS109704001, p232, undated.
696 Minutes of Operation Abelard Oversight Group Meeting, MPS109471001, p43, 04 September 2006.
697 Minutes of Operation Abelard Oversight Group Meeting, MPS109471001, p43, 04 September 2006.
698 Schedule of contact with Gary Eaton, MPS006763001, p9, 26 November 2007.

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418. Despite having been told not to contact Gary Eaton, DCS David Cook sent Gary Eaton a text at 11.25 am. DCS Cook made no note of the text and did not retain it on his mobile phone. When asked about it during a pre-trial hearing on 08 December 2009, he could not remember what it was about.[699]

419. Gary Eaton stayed in the room in consultation with his solicitor, and at 12.20 pm his solicitor emerged and advised DS Anthony Moore that Gary Eaton did not wish to continue the debrief that day. The solicitor produced a handwritten note which was signed by Gary Eaton. This was very significant. The note read:

> *'It is the 5th September 2006, the time is 11.57am.*
>
> *With regard to the murder enquiry I wish to disclose that "the brothers" are involved.*
>
> *I do not wish today to go into any more details as I feel very unwell and traumatised. I will need further reassurance with regard to the safety of my family & those I love.*
>
> *I understand that my solicitor* […] *will hand this signed statement which is the truth, to Tony Moore.*
>
> *I do not feel fit enough to be interviewed on tape about this today.'*[700]

420. Former DCS David Cook was asked in interview by the Panel about his multiple contacts with Gary Eaton at this time. He responded that all the telephone calls were about '*his* [Gary Eaton's] *domestics*'.[701] He was asked to talk about that day (05 September 2006) but declined to do so.[702]

421. When Gary Eaton had previously been asked by DCS David Cook to tell him about '*the brothers*' (see paragraphs 315-316 above) he had indicated that he did not know to whom DCS Cook was referring. He had said that he knew only about James Cook. However, after multiple telephone contacts on 01, 02 and 04 September 2006, and after receiving the text from DCS Cook on 05 September 2006, when he was in a state of significant distress, he produced this single piece of information: '*I wish to disclose that "the brothers" are involved.*' The timing of this reference to '*the brothers*' is therefore suspicious.

422. At 1.30 pm on 05 September 2006, DCS David Cook recorded his further decision not to charge Gary Eaton at that time with the crimes which he had admitted to during the debriefing. He stated: '[Gary Eaton] *is cautioned before interview, PACE* [Police and Criminal Evidence Act 1984] *is fully complied with and therefore his account is admissible as evidence it has not been obtained unfairly.*'[703]

699 Pre-trial hearing transcript, pp53-59, 08 December 2009.
700 Handwritten statement of Gary Eaton, MPS109039001, p204, 05 September 2006.
701 Panel interview with former DCS David Cook, Transcript 5, p17, 26 August 2020.
702 Panel interview with former DCS David Cook, Transcript 5, p16, 26 August 2020.
703 Decision 52, Decision Log by DCS Cook, MPS080338001, p2, 05 September 2006.

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423. At 6.30 pm on 05 September 2006, at the request of DCS David Cook, through D/Supt Barry Phillips, a welfare meeting was held between Gary Eaton, his solicitor, DCS Cook and DS Anthony Moore to reassure Gary Eaton that police were doing all they could to protect him and his family. DS Moore's note of the meeting recorded that, '*DCS Cook repeats that he does Not intend to arrest*[704] [Gary Eaton] *at the moment But reminds him that this is under Constant review and it is not any Inducement for continuing with the process*'.[705]

424. Although the purpose of the meeting and what happened at it are recorded, there is no record of why DCS David Cook decided that the meeting was necessary.

425. On the morning of 06 September 2006, because of the difficulties which were being experienced, Gary Eaton was seen by a consultant psychotherapist,[706] who diagnosed him as having severe depression and complex post-traumatic stress disorder.[707] Medication was prescribed, and DS Anthony Moore's notes record that the doctor advised that '*it can take up to two weeks for the drugs to take effect, but if the debriefing team can't wait that long then they should take it easy with him and once the debrief has concluded for the day finish off on light hearted every day subjects*'. The consultant psychotherapist did not recommend that Gary Eaton be accompanied by an appropriate adult but stated that he '*would require intensive psychotherapy after his court case and debriefing*'.[708]

426. On 06 September 2006, between '*16.35–17.15*' a senior forensic medical examiner[709] assessed Gary Eaton.[710] During the examination, Gary Eaton told him that he had never seen a psychiatrist and did not suffer from mental illness.[711] After examining Gary Eaton, the forensic examiner advised that Gary Eaton required an appropriate adult to assist him during interview.[712] It subsequently emerged that Gary Eaton had seen a psychiatrist before 06 September 2006.

427. Following this, there was consideration of whether to continue the debrief.[713] DS Anthony Moore was instructed to explore the possibilities of obtaining an appropriate adult for the following day and '*at least the next two weeks*'.[714] He called the emergency social services, but '*they could not assist with such a long commitment*'.[715] When Gary Eaton was informed of the recommendation, he '*became very angry and said that he would not be interviewed with anybody else there. He said too many people know about this already. If anyone else turns up he will not speak at all because it will increase the threat against him.*'[716]

428. On 12 September 2006, D/Supt Barry Phillips recorded a decision '*to continue without an appropriate adult and to adapt an opening statement in each interview tape*'. He recorded his reasons as being:

i. that he had been given information by DS Anthony Moore which '*brings the subject's mental state of mind into question*';

704 This is a separate decision to DCS David Cook's earlier decision at 1.30 pm on 05 September 2006.
705 Schedule of contact with Gary Eaton, MPS006763001, p9, 26 November 2007.
706 Confidential psychotherapeutic report pertaining to Gary Eaton, MPS006852001, p9, 06 September 2006.
707 Confidential psychotherapeutic report pertaining to Gary Eaton, MPS006852001, pp1-2, 06 September 2006.
708 Confidential psychotherapeutic report on Gary Eaton, MPS006852001, p2, 06 September 2006.
709 A doctor appointed to provide their services to the police. This role includes examining suspects injured in police custody, offering care and forensic assessment of persons in police custody, and interpreting findings for the police.
710 Witness statement of doctor, MPS079071001, p2, 03 August 2008.
711 Witness statement of doctor, MPS079071001, p3, 03 August 2008.
712 Witness statement of doctor, MPS079071001, p4, 03 August 2008.
713 Report, MPS109039001, p202, undated.
714 Memorandum from Detective Constable to Detective Inspector, MPS1097170001, p125, undated.
715 Memorandum from Detective Constable to Detective Inspector, MPS1097170001, p125, undated.
716 Memorandum from Detective Constable to Detective Inspector, MPS1097170001, pp124-125, undated.

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ii. '*he has no documented medical record*';

iii. '[h]*e has given no difficulties in his debrief process*';

iv. '[t]*o introduce an appropriate adult* […] *would cause major concerns and difficulties with regards to safety/security to the individual, debrief team and personnel within premises*';

v. '*CJPU have arranged counselling and medication*'; and

vi. '[h]*e is also represented by a lawyer who is also supportive of not utilising an appropriate adult*'.[717]

429. D/Supt Barry Phillips concluded his rationale by referring again to his overriding concerns as being '*the integrity of the evidence* […] *and safety issues for all parties*'.[718] He stated that he would review the decision as the debrief progressed.

430. Gary Eaton was accompanied by his solicitor at the debriefing and the offer of an appropriate adult was repeated before the commencement of each interview and refused on each occasion by Gary Eaton.[719]

431. The reasoning provided by D/Supt Barry Phillips for this decision not to organise an appropriate adult for Gary Eaton's debrief is not consistent with the facts which were available to him at the time:

i. DCS David Cook's psychological risk assessment of 29 July 2006 in respect of Gary Eaton had stated that '[h]*is intelligence file suggests that he has had some mental illness*'.[720]

ii. DCS Cook had reported to the Oversight Group meeting on 04 September 2006 that Gary Eaton '*was in negotiation stage and discussions are going on with the CP* [Crown Prosecutor] [.] *We are experiencing difficulties on both sides.*'[721] He also said that Gary Eaton had not been adhering to the requests of the Criminal Justice Protection Unit, and that there had been problems with Person G23.

iii. A detailed report had been produced on 04 September 2006 by the Detective Chief Inspector from the Criminal Justice Protection Unit, explaining both the problems with Gary Eaton and Person G23 and the unauthorised contact between DCS Cook and Gary Eaton.[722]

iv. The consultant psychotherapist had offered an initial diagnosis that Gary Eaton was suffering from depression and complex post-traumatic stress disorder on 06 September 2006.[723]

717 Decision 16, Decision log for D/Supt Barry Phillips, MPS106014001, pp7-9, 12 September 2006.
718 Decision 16, Decision log for D/Supt Barry Phillips, MPS106014001, p9, 12 September 2006.
719 Ruling of Mr Justice Maddison, MPS107506001, p46, para 206, undated.
720 Risk Assessment by DCS David Cook, MPS109471001, p72, 29 July 2006.
721 Minutes of Operation Abelard Oversight Group Meeting, MPS094332001, p13, 04 September 2006.
722 Internal Criminal justice Protection Unit briefing paper, MPS1097170001, pp122-123, 04 September 2006.
723 Confidential psychotherapeutic report pertaining to Gary Eaton, MPS006852001, p1, 06 September 2006.

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The decision made, therefore, to continue with the debriefing without further exploration of the medical situation at this stage, was wrong.

432. By 12 September 2006, the relevant Metropolitan Police units were faced with significant problems in relation to Gary Eaton deriving from his medical condition, his perceived abuse of drugs and alcohol, his difficult relationship with Person G23, Person G23's behaviour, as well as ongoing breaches of the terms under which they were being protected by the police. There was also the continuing unauthorised contact by DCS David Cook with Gary Eaton. At this stage there should have been an analysis of the emerging problems, and consideration of the appropriateness of continuing the debrief, by the Oversight Group. This did not happen. No attempt was made until 01 July 2008 to secure Gary Eaton's medical records. The medical records should have been sought earlier.

433. Certain elements of the Code of Practice C (2006) under the Police and Criminal Evidence Act 1984 did not apply to Gary Eaton's situation because he was being debriefed voluntarily. However, Code C stated that '[a]*lthough certain sections of this Code apply specifically to people in custody at police stations, those there voluntarily to assist with an investigation should be treated with no less consideration* […]'.[724]

434. Code C also stated that:

i. '*A person whom there are grounds to suspect of an offence, see Note 10A, must be cautioned before any questions about an offence, or further questions if the answers provide the grounds for suspicion, are put to them if either the suspect's answers or silence, (i.e. failure or refusal to answer or answer satisfactorily) may be given in evidence to a court in a prosecution.*'[725]

   Gary Eaton was cautioned before interview.

ii. '*A* […] *person who is mentally disordered or otherwise mentally vulnerable must not be interviewed regarding their involvement or suspected involvement in a criminal offence or offences, or asked to provide or sign a written statement under caution or record of interview, in the absence of an appropriate adult unless paragraphs 11.1, 11.18 to 11.20 apply. See Note 11C*'.[726]

   These exceptions did not apply to Gary Eaton.

435. In his judgment, on Gary Eaton and his evidence, after the end of the pre-trial hearings, Mr Justice Maddison stated:

724 Police and Criminal Evidence Act 1984 (PACE), Code C: Code of Practice for the detention, treatment and questioning of persons by Police Officers, guidance point 1A, p5, 2006.
725 Police and Criminal Evidence Act 1984 (PACE), Code C: Code of Practice for the detention, treatment and questioning of persons by Police Officers, pp31-32, paragraph 10 (a), 10.1, 2006.
726 Police and Criminal Evidence Act 1984 (PACE), Code C: Code of Practice for the detention, treatment and questioning of persons by Police Officers, p38, paragraph 11 (c), 11.15, 2006.

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> *'I now consider whether the de-briefing interviews should have ceased when Mr Eaton, having been offered an appropriate adult, refused to have one present. My interpretation of* [the Police and Criminal Evidence Act] *Code C is that they should have ceased. Para C: 11.15 is expressed in mandatory terms: "...must not be interviewed... in the absence of the appropriate adult...". No exception is provided to cover the situation in which the person being interviewed refuses to have an appropriate adult. Indeed, I can find no reference to such a situation anywhere in Code C.'*[727]

436. Mr Justice Maddison concluded that because Gary Eaton was not in custody or detention, he was not being interviewed regarding his involvement or suspected involvement in Daniel Morgan's murder, and he was not signing a written statement under caution or a record of interview, on a '*strict and literal interpretation*' the requirement under Code C of the Codes of Practice made pursuant to the Police and Criminal Evidence Act 1984, for an appropriate adult to be present during questioning, did not apply.[728]

437. However, Mr Justice Maddison went on to say that such a strict and literal interpretation '*would not meet the justice of this exceptional case*' and that Gary Eaton should have been offered an appropriate adult from the beginning of his debriefing process. Moreover, he concluded that the debriefing process should have stopped when Gary Eaton refused to accept an appropriate adult in September 2006.[729]

438. Gary Eaton was not being debriefed in a police station and was not in custody. There was therefore, at that time, no legal obligation to apply the provisions of the Police and Criminal Evidence Act 1994. However, Mr Justice Maddison, while acknowledging that he was exercising an element of hindsight, stated that in the circumstances, it ought to have been applied in Gary Eaton's case. The Panel notes that judgment but also acknowledges that the police were dealing with an unusual situation for which there were no clear rules. There was some measure of support for the welfare of Gary Eaton in the fact that his solicitor was present throughout the debrief process. Code of Practice C of the Act has since been amended, so that it now applies to all '*persons attending a police station or elsewhere voluntarily*'.[730]

439. On 12 September 2006, Gary Eaton expanded on the account he had given in his statement, by introducing the following information:[731]

i. He had been asked to go the Golden Lion public house by James Cook with another individual[732] for a meeting in the pub on 10 March 1987;

ii. A man whose name he could not remember had asked him to have a quick chat in the toilet of the Golden Lion public house. He did so. Later that day he identified this person as one of '*the brothers*'. He did not name the brothers;

727 Ruling of Mr Justice Maddison, MPS107506001, p47, para 211, undated.
728 Ruling of Mr Justice Maddison, MPS107506001, p46, para 206, undated.
729 Ruling of Mr Justice Maddison, MPS107506001, p46, para 206, undated
730 Police and Criminal Evidence Act 1984 (PACE), Code C: Code of Practice for the detention, treatment and questioning of persons by Police Officers, paragraph 3 (c), p10, 2012.
731 Record of debrief interview, MPS109040001, pp6-57, 12 September 2006.
732 Tony Airey.

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iii. He was then asked to go out to the car park to have a quick chat with James Cook;

iv. In the car park he saw James Cook in a car with another man. He did not indicate that he knew the other man. He also saw Daniel Morgan's body with an axe in his head; and

v. The man who had asked him to go outside then got into the car and they all drove off.

440. After this debrief session, at 4.20 pm DCS David Cook telephoned Gary Eaton for 7 minutes and 21 seconds. When questioned during the pre-trial hearing, DCS Cook accepted that this was contrary to instructions but said that he did not know what Gary Eaton had said during the debrief earlier that day and they did not discuss the case.[733]

441. On 13 September 2006, it was suggested to Gary Eaton by the debriefers that, to avoid confusion about to which brother he was referring when he used the term 'the brothers', he should refer to the man who had asked to speak to him in the toilet as '*brother one*' and the other brother as '*brother two*'.[734]

442. On 14 September 2006,[735] among other things, Gary Eaton:

i. Still could not remember the brothers' names, although he said he would recognise them. He provided descriptions of their appearance.[736]

ii. Said that James Cook had been in the driving seat of the car in the Golden Lion car park on 10 March 1987, and that both brothers were in the car.

iii. Could not identify the make of the car. He said it was a four-door car, not a hatchback.

iv. Said that he did not like the colour of the car; he said, '*there was something about green*'.

443. Gary Eaton was debriefed again on 15 September 2006. Among other things, he said the following:

i. At the time of the murder, James Cook knew Person P9, but that he (Gary Eaton) did not know him.

ii. On the night of the murder James Cook was very quiet.

iii. James Cook had an affair with a woman, Person J5, who was likely to have some knowledge of Daniel Morgan's murder.[737]

444. DCS David Cook rang Gary Eaton at 5.43 pm on 15 September 2006 for 6 minutes 55 seconds.[738]

445. No debriefs occurred between 16 and 19 September 2006.

733 Ruling of Mr Justice Maddison, MPS107506001, p21, para 91, undated.
734 Gary Eaton debrief material, records of interview and handwritten notes, MPS109040001, p160, 13 September 2006.
735 Record of interview, MPS109040001, pp173-268, 14 September 2006.
736 Record of interview, MPS109040001, pp234-235, 14 September 2006.
737 Record of Debrief Interview, MPS102877001, p3, 15 September 2006. Action A566, Trace and identify [Person J5], MPS006129001, p2, 24 November 2006.
738 *'Operation Megan Timeline of Events relevant to Mr Gary EATON's involvement as a SOCPA witness,'* MPS109704001, p234, undated.

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446. On 16 September 2006, the records available show that DCS David Cook rang Gary Eaton using his mobile phone four times between 5.09 pm and 8.51 pm: one of these telephone contacts lasted 23 minutes 21 seconds.[739,740]

447. On 19 September 2006, there were at least four telephone calls between DCS David Cook and Gary Eaton.[741] The same day, Gary Eaton's solicitor informed DS Anthony Moore that Gary Eaton was unwell and unable to attend the debrief that day.[742]

6.4.4 Problems relating to external contact with Gary Eaton

448. On 20 September 2006, DS Anthony Moore was told by Gary Eaton that he had been receiving silent telephone calls. DS Moore informed D/Supt Barry Phillips of what was happening. D/Supt Phillips then made a policy decision '*to make a welfare visit to* [Gary Eaton]' because of his continual telephone calls expressing concerns about the Criminal Justice Protection Unit staff responsible for him, and also because he was aware that Gary Eaton was receiving telephone calls which breached the sterile corridor.[743]

6.4.5 The continuation of Gary Eaton's debrief

449. The debrief of Gary Eaton continued on 20 September 2006. In addition to what he had disclosed previously, and among other things, he said the following:

i. DS Sidney Fillery was not in the Golden Lion public house on the night of the murder.

ii. '*Brother 1*' walked in front of him into the car park to the car. James Cook was in the driving seat. '*Brother 2*' was in the passenger seat and Brother 1 '*got into the rear offside passenger door*'.

iii. He saw Daniel Morgan lying at right angles to the car with his head adjacent to the rear offside wheel.

iv. DS Fillery '*orchestrated the murder*'.

v. '[T]*he contract emanated from Eire because of the threat posed by Morgan's knowledge. Fillery managed the contracted* [sic] *and would facilitate payment.*'

vi. James Cook had told him that Daniel Morgan had discovered Jonathan Rees's involvement in drugs, and it was thought that he would probably alert the authorities. Gary Eaton described in some further detail the criminal organisation involved in the importation of drugs from Ireland. He also alleged that DS Fillery provided information on police and HM Customs and Excise activity that might threaten the operation. He said that he (Gary Eaton) and James Cook used two police officers to get information and ensure that '*persons or premises were not being looked at*'.

739 *'Operation Megan Timeline of Events relevant to Mr Gary EATON's involvement as a SOCPA witness,'* MPS109704001, p234, undated.
740 The phone records are not complete because they only identify mobile telephone calls not office telephone calls (Abuse of Process hearing, p16, 03 December 2009.
741 *'Operation Megan Timeline of Events relevant to Mr Gary EATON's involvement as a SOCPA witness,'* MPS109704001, pp234-235, undated.
742 Schedule of contact with Gary Eaton, MPS006763001, p10, 26 November 2007.
743 Decision Log for D/Supt Barry Phillips, MPS106014001, pp68-72, 20 September 2006.

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vii. That quite soon after the murder, James Cook told him that DS Fillery wanted to see him, that they drove to a public house and that DS Fillery had told Gary Eaton that he had seen what had happened and that the same could happen to him or his family if he did not keep his mouth shut.[744]

450. The debrief continued. Gary Eaton was not debriefed every day, but on 26 September it was noted that Gary Eaton had begun to remember names and events. On 28 September, he was taken to visit various locations connected with the murder investigation and, on 19 October 2006, he named the men he had previously referred to as '*the brothers*' as Glenn and Scott.[745] Gary Eaton had not previously named '*the brothers*'.

451. On 15 November 2006, Gary Eaton was taken to visit the Golden Lion public house. He was asked to describe the scene in the car park on the night of the murder and was video-recorded doing so. Gary Eaton later drew a plan of the car park showing his account of where things happened there on the night of 10 March 1987. That plan was inconsistent with the plan drawn by a police officer on the night of the murder in which the position of cars was identified. Gary Eaton indicated that his car had been parked in a space which, previous plans had shown, had been occupied by another identified car on that night.[746]

452. Phone records show further contact between DCS David Cook and Gary Eaton at 2.58 pm on 22 November 2006 for 13 minutes and 23 seconds and by text message at 6.22 pm that day. On 24 November 2006, Gary Eaton was told by Witness Protection Unit officers not to contact DCS Cook.[747]

453. Gary Eaton texted DCS David Cook on 25 December 2006, which was recorded as '*festive wishes*'.[748] DCS Cook replied on 26 December 2006 and contacted Gary Eaton again on 18 January 2007.[749]

454. On 12 February 2007, Gary Eaton was shown several photographs which included present-day likenesses of Glenn Vian and Garry Vian but failed to identify either of them during the procedure.[750] Later during the same day, he did identify them to the debrief officers, but said that he had not done so earlier because he did not want to make a mistake.

455. On 21 February 2007, having previously said, on 31 October 2006, that his father was living in a named area, Gary Eaton told the debriefing officer that he had lost his father 14 months previously.[751]

456. Gary Eaton signed his agreement to be debriefed under the Serious Organised Crime and Police Act 2005 on 20 April 2007.[752]

457. On 20 April 2007, Gary Eaton made a formal statement recording the following:

744 Debrief of Gary Eaton, MPS109040001, pp58-61, 20 September 2006.
745 Record of Debrief Interview, MPS102903001, p21, 19 October 2006.
746 Sketch of the Golden Lion public house car park drawn by Gary Eaton, MPS001043001, 27 November 2006.
747 Redacted copy of extracts from Witness Protection Unit file for Gary Eaton, MPS1097170001, p9, 24 November 2006.
748 Schedule of Contact – Operation Abelard II, MPS006763001, p2, 26 November 2007.
749 Ruling of Mr Justice Maddison, MPS107506001, p28, paras 124 and 126, undated; and, Schedule of Contact – Operation Abelard II, MPS006763001, p2, 26 November 2007.
750 Schedule of Contact, Operation Abelard II, MPS006763001, p17, 26 November 2007.
751 *'Operation Megan Timeline of Events relevant to Mr Gary EATON's involvement as a SOCPA witness,'* MPS109704001, p241, undated.
752 S73 Serious Organised Crime and Police Act 2005 agreement. Agreement with co-operating Defendant Gary Eaton, MPS007010001, pp1-10, 20 April 2007.

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i. '[A]*round January 1987* […] *Jimmy* [James Cook] asked *me if I was interested in disposing of Daniel MORGAN* […] *I refused* [...] *I was told it would pay £50,000.*'[753]

ii. '*Jimmy said that Sid VILLERY* [sic] *would be involved in paying the money on behalf of someone else, therefore guaranteeing the payment. This didn't surprise me as much as it should have, as by then I knew Sid VILLERY* [sic] *was a corrupt officer.*'[754]

iii. James Cook asked to meet Gary Eaton and his friend, Tony Airey,[755] in the Golden Lion public house on 10 March 1987 (the day of Daniel Morgan's murder).[756] Gary Eaton assumed the meeting was to discuss a potential theft. He was inconsistent in his description of his own and Tony Airey's precise seating position in the Golden Lion. He drew a plan of the bar on 27 November 2006 indicating where Jonathan Rees and Daniel Morgan were standing and where Tony Airey and he were sitting. He had previously drawn a plan on 03 October 2006,[757] but said it was not accurate.

iv. Jonathan Rees was in the bar at the Golden Lion public house with a woman, whom Gary Eaton thought was his wife or his mistress, when Gary Eaton arrived with Tony Airey. Daniel Morgan arrived a short time later and joined Jonathan Rees and the woman. James Cook then arrived and spoke briefly to Jonathan Rees and Daniel Morgan. Jonathan Rees subsequently left the bar twice, returning on the second occasion with a man, whom Gary Eaton had not seen previously, but who, he thought, was a police officer. Gary Eaton said that he had seen him twice since Daniel Morgan's murder and on each occasion, he was with '*Sid VILLERY* [sic]'.[758] He said that James Cook then left the bar, having said that he would talk to them in a few minutes. He did not return to the bar while Gary Eaton was there.

v. '[A] *man I believe is called Scott* […] *tapped me on the shoulder and asked me if we could have a quick chat in the toilets*'.[759] He said that '*Scott*' had a brother called '*Glen*'.[760] When Gary Eaton went into the toilet, 'Scott' said that James Cook wished to speak to him in the car park.

vi. By this stage Daniel Morgan had left the bar. Jonathan Rees was still there with the woman.[761]

vii. Gary Eaton followed 'Scott' out of the front door of the Golden Lion public house, and they went together around to the car park at the back. When Gary Eaton got to the car park, he saw James Cook was in the driving seat of a large car, a Ford Granada or Ford Consul. The car's engine was running but the lights were off. He described the car as being of '*dark*' colour.[762] The '*other brother Glen*' was in the passenger seat.[763] Daniel Morgan's body was lying with an axe embedded in his head, close to the car.[764]

753 Witness statement of Gary Eaton, MPS003950001, p5, unsigned, 20 April 2007.
754 Witness statement of Gary Eaton, MPS003950001, p5, unsigned, 20 April 2007.
755 Tony Airey died in March 2001, MPS067440001.
756 Witness statement of Gary Eaton, MPS003950001, pp6-12, unsigned, 20 April 2007.
757 Record of interview of Gary Eaton, MPS104809001, pp1-7, 1037 – 1119, 03 October 2006.
758 Witness statement of Gary Eaton, MPS003950001, p10, unsigned, 20 April 2007.
759 Witness statement of Gary Eaton, MPS003950001, p10, unsigned, 20 April 2007.
760 Witness statement of Gary Eaton, MPS003950001, p11, unsigned, 20 April 2007.
761 Witness statement of Gary Eaton, MPS003950001, p11, unsigned, 20 April 2007.
762 Witness statement of Gary Eaton, MPS003950001, p11, unsigned, 20 April 2007.
763 Witness statement of Gary Eaton, MPS003950001, p11, unsigned, 20 April 2007.
764 Witness statement of Gary Eaton, MPS003950001, p12, unsigned, 20 April 2007.

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viii. James Cook winked at him and drove off. There was another car in the car park in which a driver was sitting. Gary Eaton marked the location of all three cars on a diagram of the car park which he had previously drawn, and which he appended to his statement.

ix. He was shocked and that he drove his car out of the car park and left the engine running, while he went back into the Golden Lion and told Tony Airey they were leaving. He then drove Tony Airey back home.

x. He thought James Cook did this to implicate him should he want to give evidence about their earlier conversation, when James Cook had asked him to carry out the murder, and as a warning of what could happen to him or his family if he thought of giving evidence.

xi. From 1986, he (Gary Eaton) had been involved in drug trafficking with James Cook, DS Sidney Fillery and Jonathan Rees. Gary Eaton stated that the drugs were sourced in Ireland and distributed through James Cook; that DS Fillery protected the parcels in transit by checking police and customs indices. Gary Eaton believed that Jonathan Rees was assisting to launder the proceeds.

xii. Gary Eaton stated that, '*about three or four months before the murder, Jimmy told me that Daniel MORGAN had found out about the drugs and the involvement of Jonathan REECE* [sic] *and Southern Investigations*'[765] and James Cook became involved in plans to kill Daniel Morgan. Gary Eaton stated that '*Jimmy said that Sid VILLERY* [sic] *would be involved in paying the money on behalf of someone else, therefore guaranteeing the payment*'.[766] Gary Eaton said that '*I believe that the Irish boys organised the murder of Daniel MORGAN because he knew about the drugs importation*'.[767]

xiii. Gary Eaton stated that '[a]*fter the murder there was a rumour put out that it was over an affair, that was rubbish, a smokescreen. I don't know who started this rumour, but it was to cover up the true reason, him finding out about the drugs.*'[768]

xiv. He was threatened by DS Fillery afterwards to keep quiet about the murder, or '*I might get the same or my family might get the same*'.[769] Gary Eaton did not state that DS Fillery was present at Daniel Morgan's murder.

xv. DS Fillery issued this threat because he was higher in the chain of command than Jonathan Rees and James Cook in their dealings with people he called '*the Irish Boys*'.

458. By May 2007, Gary Eaton had confessed to having committed 52 offences.[770] On 04 May 2007, he was charged with multiple offences including conspiracy to murder.[771]

765 Witness statement of Gary Eaton, MPS003950001, p4, unsigned, 20 April 2007.
766 Witness statement of Gary Eaton, MPS003950001, p5, unsigned, 20 April 2007.
767 Witness statement of Gary Eaton, MPS003950001, p17, unsigned, 20 April 2007.
768 Witness statement of Gary Eaton, MPS003950001, p3, unsigned, 20 April 2007.
769 Witness statement of Gary Eaton, MPS003950001, p17, unsigned, 20 April 2007.
770 Notes of Action meeting, MPS071803001, p48, 24 May 2007.
771 Draft copy of Crown Court indictment N757, MPS103864001, p2, undated; Operation Haglight Document D822, '*INFORMATION REPORT/ BRIEFING RE OP HAGLIGHT*' MPS102907001, 24 October 2006.

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459. On 24 May 2007, Gary Eaton made a further statement about his background in which, among other things, he said that his father had died 14 months previously.[772] This was untrue. After enquiries were made, his father was visited by the police on 17 July 2008.[773]

460. On 15 June 2007, Gary Eaton made three more statements:

i. In the first, among other things, he dealt with his criminal activity with James Cook, including the illegal collection of guns and ammunition from 1995/1996 until 1999.[774] He implicated former DS Sidney Fillery in drugs crime, and another police officer who, he said, assisted with the provision of information to those involved in the crimes he was describing.[775] He also said that Person J5 was also involved in drugs.[776]

ii. In the second statement, he stated that '*VILLERY* [sic] *always seemed to be around whenever we were at Southern Investigations*'.[777] He said that he did not like or trust '*VILLERY* [sic] *and was never alone with either him or REECE* [sic] […]. *As far as I was concerned, they were my employers and there was no personal side to the relationship.*'[778] He said that James Cook told him that '*Jonathan Reece* [sic] *and Sid VILLERY* [sic] *were involved in the drugs*' that they were collecting, although he had already suspected this from conversations he overheard.[779] He described how James Cook would phone '*VILLERY* [sic]' when they were en route to collect drugs. He added that he was present on occasions when both James Cook and Jonathan Rees gave '*VILLERY* [sic]' envelopes of cash. He stated that these envelopes were handed over both before and after Daniel Morgan's murder.[780]

iii. The third statement dealt with his criminality with a named individual whom he described as *a* '*close friend*', including gun crime and money laundering.[781]

461. By 02 October 2007, Jonathan Rees, barrister, acting for the Crown Prosecution Service, was considering the evidence provided by a number of witnesses and in order to do so, he asked for an account of all contact between members of the investigation team, and the debriefing teams, and with various proposed prosecution witnesses, saying:

> *'Plainly, if there were to be a trial, the defence would ask for (and almost certainly be entitled to) details of all contacts that have occurred between members of the various investigation teams and the main witnesses in the case. Because of this, I advise that this information is collated as a matter of urgency, so the prosecution can make an assessment as to whether there is any further material that could be used by the defence to sustain suggestions of, for example, contamination or bad faith. For each witness, I would expect the information to comprise a schedule setting out, in chronological order, the dates of all contacts, the type of contact (e.g. was it face-to-face or by telephone) and the topic that was discussed. The entry on the schedule should, if appropriate, contain a cross-reference to any document, such as a note of the meeting, relating to the contact. For these purposes the investigation team includes*

772 Witness statement of Gary Eaton, MPS078491001, p1, 24 May 2007.
773 Message from DC Linfoot regarding Gary Eaton's father, MPS008671001, 17 July 2008.
774 Witness statement of Gary Eaton, MPS078494001, pp5-11, 15 June 2007.
775 Witness statement of Gary Eaton, MPS078494001, pp3-4, 15 June 2007.
776 Witness statement of Gary Eaton, MPS078494001, p4, 15 June 2007.
777 Witness statement of Gary Eaton, MPS107953001, p324, 15 June 2007.
778 Witness statement of Gary Eaton, MPS107953001, p324, 15 June 2007.
779 Witness statement of Gary Eaton, MPS107953001, p325, 15 June 2007.
780 Witness statement of Gary Eaton, MPS107953001, p325, 15 June 2007.
781 Witness statement of Gary Eaton, MPS078493001, 15 June 2007.

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the debriefing teams although it may be that their contacts can be conveniently summarised.'[782]

462. In anticipation of the Defence Counsel line of attack as a result of DCS David Cook's '*head start*' to James Ward (and invitation to Gary Eaton to give him the names of the 'brothers'), Jonathan Rees, barrister, continued, '*it will be especially important for the schedules to contain as much detail as possible of DCS Cook's contact, including telephone contact, with these witnesses*'.[783] He concluded, '[f]*or my part, I need to be satisfied that, between us, the lawyers have seen all material that has a bearing on the credibility and/or reliability of the current investigation team and the main potential witnesses*'.[784]

463. DCS David Cook prepared a schedule[785] of his interactions with Gary Eaton, which was amended on several occasions, and which finally covered the period from 24 July 2006 to 29 September 2007. This schedule did not include all of the occasions on which DCS Cook had had contact with Gary Eaton.

464. In contravention of the agreed processes, and later of his own specific undertakings on 11 August 2006[786] and 19 October 2006,[787] not to have unauthorised contact with Gary Eaton, DCS David Cook was identified as having had unauthorised contact with him[788] on the following dates:

i. 17, 23, 24, 28, 29 (twice) August 2006;

ii. 01 (twice), 02 (three times), 04, 05, 12, 15 (twice), 16 (four times), 19 (four times), 20 (5 times between 3.39 am and 4.09 am) September 2006;

iii. 14 October 2006;

iv. 22 November 2006 (twice);

v. 26 December 2006;

vi. 18 January 2007;

vii. 02, 04 and 29 April 2007;

viii. 12 (twice),14 and 30 May 2007;

ix. 06, 25 (twice) and 28 (twice) August 2007; and

x. 29 September 2007.[789]

782 Crown Prosecution Service Advice Document (2), MPS103621001, p6, para 5, 02 October 2007.
783 Crown Prosecution Service Advice Document (2), MPS103621001, p6, para 5, 02 October 2007.
784 Crown Prosecution Service Advice Document (2), MPS103621001, p7, para 6, 02 October 2007.
785 Full schedule of contact with Gary Eaton by investigating team and others, MPS006763001, p2, 26 November 2007.
786 Folder of material supplied by a Detective Sergeant Op Megan in response to DMIP questions SS513 to SS529 [Q329-345], MPS109704001, p230, 11 August 2006.
787 Folder of material supplied by the Detective Sergeant Op Megan in response to DMIP questions SS513 to SS529 [Q329-345], MPS109704001, p124, 19 October 2006.
788 Full schedule of contact with Gary Eaton by investigating team and others, MPS006763001, p1, 26 November 2007
789 *'Operation Megan Timeline of Events relevant to Mr Gary EATON's involvement as a SOCPA witness,'* MPS109704001, pp230-246, undated.

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465. By October 2007, when Counsel had raised the issue of Abelard Two Investigation contacts with Gary Eaton, the problem of unauthorised contact between Gary Eaton and DCS David Cook was long-established. AC John Yates should have ensured that DCS Cook changed his mobile phone number so that Gary Eaton was incapable of contacting DCS Cook. Gary Eaton's mobile number should also have been changed and efforts should have been made to ensure that DCS Cook did not know the new number. This did not happen, despite the fact that AC Yates had been expressing his concern about contact between Gary Eaton and DCS Cook for over a year.

466. DCS David Cook had given undertakings not to contact Gary Eaton on 11 August 2006 and 19 October 2006 and had breached them. Negotiation was ongoing at this time (between July 2007 and December 2007)[790] to keep DCS Cook as the Senior Investigating Officer as he was to retire as a police officer and had been offered a job at the Serious Organised Crime Agency. Given the unauthorised contact which had taken place, AC John Yates should have appointed a new Senior Investigating Officer.

467. On 09 October 2007, Gary Eaton was again advised not to contact DCS David Cook, and on 19 October 2007 a formal Record of Contact Log was established. It recorded contact by Gary Eaton with DCS Cook and the purpose of that contact on 17 December 2007.[791] DCS Cook recorded that he did not have any discussions about the case with Gary Eaton during this time. [792]

468. By December 2007, Gary Eaton had provided details of his extensive past involvement in criminality, admitting involvement in many further crimes including various thefts, possessing firearms, supplying controlled drugs, money laundering, handling stolen goods, assault and conspiracy to supply Class A drugs, as well as a conspiracy to murder. Gary Eaton implicated at least 23 people in various crimes in which he said he was involved.

469. On 18 December 2007, Gary Eaton made three further statements:

i. In the first statement, among other things, he described criminality in which he was involved with Tony Airey, and said that he had paid a police officer[793] £500 to get a drink-driving charge against him removed, a further £500 to get a charge against Tony Airey removed, and a further £200 to '*leave Tony alone*'[794] when the officer was dealing with the criminal conduct of Tony Airey. He also described other alleged criminality by this officer and other occasions on which he had paid him for information. Gary Eaton

790 Emails re DCS David Cook retirement, work at Serious Organised Crime Agency/Metropolitan Police SIO and the agreement reached between parties, MPS109657001, pp1-15, various dates.
791 Record of Contact Log of Gary Eaton, MPS007098001, p1, various dates.
792 Record of Contact Log of Gary Eaton, MPS007098001, p1, various dates.
793 Witness statement of Gary Eaton, MPS107953001, p298, 18 December 2007.
794 Witness statement of Gary Eaton, MPS107953001, p298, 18 December 2007.

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concluded this statement by saying that Tony Airey had died of a brain haemorrhage some five years previously and that Tony Airey's wife had also died of a brain haemorrhage some eight years previously.[795]

ii. In the second statement he talked about his relationship with his godson, about alleged criminality in which his godson had been involved, and his own involvement in some of these matters. He also recorded that he had been asked to murder a named person and had bought a gun, but eventually decided not to kill the man, because he was '*a decent hardworking bloke*', and threw the gun off Chelsea Bridge into the River Thames.[796]

iii. In the third statement, he described attending a Metropolitan Police station where he was shown six series of six video shots, each of individuals. He identified four individuals from four of the series. In the last two series of video shots he did not identify anyone. He stated that on the way back in the police car he said that he was frustrated because during the last two parades he had been asked to identify people he had not seen for 16 years, and the videos he had been shown were of '*how they are now. On the fifth parade I was 99% sure that number six was one of the "Brothers", the one I refer to as the quiet one.*'[797] However, he had not identified him because of the 1% doubt he had, '*created by sixteen years of ageing and the changes in his appearance resulting from that ageing*'.[798]

470. On the same date, 18 December 2007, Gary Eaton's debrief concluded. Extensive enquiries were made by the Abelard Two Investigation to verify or discredit the information which Gary Eaton had provided. The police sought to verify Gary Eaton's account that he had been at the Golden Lion public house with Tony Airey on 10 March 1987, and that Tony Airey and his wife were both dead. It was established that Tony Airey had died of a brain haemorrhage on 19 March 2001. However, his wife was not dead, but was established to be very ill and not capable of interview.[799] Police also contacted a friend of Tony Airey's who initially denied knowing him or knowing anything about the murder of Daniel Morgan. She subsequently said that she had known Tony Airey since the 1970s and had known his wife as well. She reiterated that she did not know about the murder of Daniel Morgan and said that Tony Airey had not mentioned it to her.[800] Despite these and further enquiries no further evidence emerged to indicate that Tony Airey had been in the Golden Lion public house with Gary Eaton.

471. This information added further suspicions about the credibility of Gary Eaton and the evidence he had provided, since he had said that Tony Airey's wife was dead, and it had been established that she was not.

795 Witness statement of Gary Eaton, MPS107953001, p300, 18 December 2007.
796 Witness statement of Gary Eaton, MPS078496001, pp4-5, 18 December 2007.
797 Witness statement of Gary Eaton, MPS109052001, p35, 18 December 2007.
798 Witness statement of Gary Eaton, MPS109052001, p35, 18 December 2007.
799 Action A522, Take Interview and take statement of widow of Tony Airey re knowledge of Op Abelard, MPS064289001, pp1-3, 17 October 2006.
800 Action: A998, Visit a friend of Tony Airey, MPS008272001, 16 August 2007.

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472. On 30 January 2008, Gary Eaton sent a text to DCS David Cook: '*Dave can you call me make it a welfare call or whatever gary*.'[801] DCS Cook called Gary Eaton back and informed T/DCI Beswick by email that:

> *'I spoke to* [Gary Eaton] *in response to a text regarding a welfare chat. He was apologetic about Monday blaming his legal team for the delay but I refused to enter into discussion about that or apportion blame* [...] *He re-affirmed his commitment to the ongoing investigation but again I refused to be drawn into discussion* [...] *No useful information obtained other than his welfare chat.'*[802]

473. On 22 March 2008, Gary Eaton sent DCS David Cook a text wishing him a happy Easter.[803] On 02 April 2008, Gary Eaton sent DCS Cook another text.[804] He was again instructed not to contact DCS Cook. On 04 April 2008, Gary Eaton again sent DCS Cook a text, which is recorded on the contact log and to which records show that DCS Cook did not reply.[805]

474. Former DCS David Cook explained to the Panel in interview that his contact with Gary Eaton was because Gary Eaton had difficulty contacting D/Supt Barry Phillips,[806] and he was afraid something might happen to him because he had been asked to be a witness. He referred to James Cook's knowledge of where Gary Eaton lived, and the fact that there had been a break-in at the house of a Detective Inspector from the Witness Protection Unit responsible for looking after Gary Eaton, and that Gary Eaton had had problems with those responsible for his protection as a witness.[807]

475. The roles of the Criminal Justice Protection Unit and subsequently the Directorate of Professional Standards Witness Protection Unit were obstructed and undermined by the ongoing contact between DCS David Cook and Gary Eaton.

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801 Record of Contact Log of Gary Eaton, MPS103678001, p16, 30 January 2008.
802 Record of Contact Log of Gary Eaton, MPS103678001, p15, 30 January 2008.
803 Record of Contact Log of Gary Eaton, MPS103678001, p19, 22 March 2008.
804 Record of Contact Log of Gary Eaton, MPS103678001, p23, 02 April 2008.
805 Record of Contact Log of Gary Eaton, MPS103678001, p17, 04 April 2008.
806 Panel interview with former DCS David Cook, Transcript 3, pp22-23, 25 August 2020.
807 Panel interview with former DCS David Cook, Transcript 5, pp15-16, 26 August 2020.

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476. The Panel accepts that Gary Eaton may well have sought assurances from DCS David Cook. However, there is ample evidence that many calls and texts were initiated not by Gary Eaton but by DCS Cook, whose repeated breaches of the sterile corridor during the period of Gary Eaton's debrief cannot have been inadvertent and must have been deliberate. DCS Cook was an experienced detective, with very good performance appraisals. The Crown Prosecution Service and their lawyers gave very clear advice about the dangers of contamination of the debriefing process as a consequence of contact between DCS Cook and Gary Eaton. However, that advice was not heeded by DCS Cook.

Six months after Counsel had raised the issue of unauthorised contact between Gary Eaton and DCS Cook, and after an agreement had been made that former DCS Cook would continue to be involved in the murder investigation, unauthorised contact was still continuing. Once again, AC John Yates should have instructed former DCS Cook to change his mobile telephone number and should have ensured that Gary Eaton received a new number as well. This did not happen.

477. This contact was a matter which should have been dealt with effectively by AC John Yates, who had refused to change the unusual process through which DCS David Cook reported to him and had not provided for normal line management and oversight of the investigation. Former DCS Cook should have been removed from the investigation.

It was inevitable, given the juxtaposition of the timing of calls and the presentation of new evidence by Gary Eaton about Daniel Morgan's murder, that the debrief process would be regarded as having been potentially corrupted, rendering Gary Eaton's evidence inadmissible. As a consequence, the very expensive and very lengthy process of his debrief was fatally compromised. Ultimately, while DCS Cook's actions were the immediate cause of the exclusion of Gary Eaton's evidence, responsibility also lay with AC John Yates for his failure to oversee properly the management of the investigation.

478. In January 2021, former DCS David Cook responded to the criticisms of his frequent and unauthorised contact with Gary Eaton, rejecting any suggestion that his handling of Gary Eaton was dishonest or lacking in integrity. Although he stated he regretted mistakes he made, he '*never knowingly or intentionally did anything to break the law or to frustrate the interests of justice or to cover up anything* [he] *had done*'. Former DCS Cook stated that he did not intentionally conceal the extent of his telephone contact with Gary Eaton but accepts that he should have made a note of these calls. With regards to the sterile corridor, former DCS Cook noted that he never received training or guidance in respect of debriefs under the new Serious Organised Crime and Police Act 2005, and that the sterile corridor had no statutory basis, nor was it in the Association of Chief Police Officers' guidance. Former DCS Cook maintains that Gary Eaton was a '*very difficult man to deal with in an even more difficult situation*' which neither he nor the Metropolitan Police was prepared to deal with.

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479. On 04 April 2008, pursuant to his admissions about his own criminality during the debrief, Gary Eaton pleaded guilty to 20 offences, including conspiracy to murder, bribing police officers, blackmail, possessing firearms, robberies, burglaries and conspiracies to supply cocaine and cannabis resin. He asked for 31 further offences to be taken into consideration. He was remanded in custody pending sentencing.

480. The day before Gary Eaton pleaded guilty, on 03 April 2008, there was a family risk assessment meeting attended by T/DCI Noel Beswick, a Detective Inspector, a Detective Sergeant and Gary Eaton's two Witness Protection Unit handlers. In advance of the meeting, T/DCI Beswick had prepared a schedule of prosecution witnesses or family or friends of Gary Eaton who might have '*potential safety issues*' when the suspects for the murder of Daniel Morgan were arrested. The list did not include Gary Eaton's father. Mr Justice Maddison stated in his judgment of 25 March 2011 that he accepted T/DCI Beswick's evidence that he believed Gary Eaton's father to be dead.[808]

6.4.6 Gary Eaton's evidence about his father

481. The Abelard Two Investigation was, at this time, conducting enquiries seeking corroboration of the content of Gary Eaton's debrief.[809] Gary Eaton had stated on 24 May 2007 that his father was dead (see paragraph 459 above).[810] On 14 February 2008, Gary Eaton had again been asked about his father in preparation for a further family risk assessment, prior to the forthcoming arrests of suspects. It is recorded that Gary Eaton had said that he had '*no contact 8 years – no idea where he is*'.[811]

482. On 17 June 2008, James Cook told members of the Abelard Two Investigation that Gary Eaton's father was not dead.[812] Former T/DCI Noel Beswick, in his statement dated 20 October 2016, stated that he could not '*find any record that this fact was brought to the attention of any supervisors* […]'.[813] The information was not put onto the HOLMES computer, which would have made it accessible to other members of the Abelard Two Investigation, until 29 July 2008.[814] On 02 or 03 July 2008, the Abelard Two Investigation received information that James Cook's wife had a statement from Gary Eaton's father.[815] Former T/DCI Beswick stated that '*this information was made known to DI Clarke and DCS Cook between 3rd and 7th July 2008*'.[816] Having received this information, police began to investigate whether Gary Eaton's father was in fact still alive.

483. On 08 July 2008, without informing DI (as he now was) Anthony Moore, the Debrief Manager, DI Douglas Clarke asked a Witness Protection Officer to contact Gary Eaton's mother and stepfather to ask whether Gary Eaton's father was still alive, and then to ask Gary Eaton, who was in prison and could not be contacted by telephone, whether his father was still alive.

808 Ruling of Mr Justice Maddison, MPS107506001, p49, para 221, undated.
809 Statement of DI Douglas Clarke, MPS107945001, p400, 18 May 2008.
810 Witness statement of Gary Eaton, MPS078491001, p1, 24 May 2007.
811 Memo to Commander Stuart Osborne from Witness Protection Unit Handler giving details of contacts with Gary Eaton about his father, MPS107945001, p398, undated.
812 Record of interview, MPS006928001, pp33-35, 17 June 2008.
813 Witness statement of Noel Beswick, MPS109748001, p50, paragraph 183, 20 October 2016
814 Record of interview, MPS006928001, handwriting at p33/375 states *'P.375 Y2AC* (Y2AC was an Abelard II HOLMES reference for the interview) *Typed and on system 29 July 2008.'*
815 Witness statement of a Detective Sergeant, MPS003709001, 05 November 2009.
816 Witness statement of former T/DCI Noel Beswick, MPS109748001, p50, paragraph 184, 20 October 2016.

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484. DI Douglas Clarke should not have asked the Witness Protection officer to seek information from Gary Eaton. This constituted a breach of the sterile corridor. DI Clarke should, instead, have asked the debrief officers to find out Gary Eaton's response in a formal interview setting. This would have preserved the integrity of the debrief process, and indeed this is what Jonathan Rees, barrister, instructed should happen, when he became aware of the facts. In 2020, DI Clarke told the Panel that, while he accepted the criticism that his contact breached the sterile corridor, he was acting upon orders from DCS David Cook.

485. On 17 July 2008, DC Caroline Linfoot reported that Gary Eaton's father was alive and well and provided his contact details and information about the relationship between father and son.[817] It was therefore realised that Gary Eaton's witness statement of 24 May 2007 was untrue in this respect, which had the capacity to undermine further his credibility as a witness.

486. DI Douglas Clarke was told '*that Gary EATON's father was alive and well but that due to a dispute, which caused a rife* [sic] *between them Eaton no longer wanted any contact with him*'.[818] Gary Eaton had advised police to ask his sister for the last known address of father. He had not expressed any concerns about his father being contacted by police.[819]

487. In early September 2008, having been informed about the matter, Counsel instructed that Gary Eaton should be interviewed about the content of his statement of 24 May 2007.

488. On 29 September 2008, DI Douglas Clarke spoke to DI Anthony Moore and explained that he wanted further questions to be put to Gary Eaton '*to give clear transparency to our earlier contact with Eaton via his WPU* [Witness Protection Unit] *handlers. DI Moore suggested that our actions were a blatant attempt to undermine the integrity of the debrief process. I made it very clear that before any action was taken on the part of Eaton, that guidance had been sort* [sic] *from the SIO* [Senior Investigating Officer] *and /or the CPS* [Crown Prosecution Service]*, which was supplemented with my experience as a trained MPS* [Metropolitan Police Service] *debriefer.*'[820]

489. DI Anthony Moore later reported that he had challenged DI Douglas Clarke about the unauthorised contact with Gary Eaton via his Witness Protection Officer and DI Clarke had responded that he had been acting on instructions '*by a higher authority*'.

490. On 30 September 2008, Gary Eaton was asked by his debriefers about his father. He said that he had already been asked about his father by his handler and that his father '*was dead to him*'.[821]

491. On 02 October 2008, the debrief officer reported to DI Anthony Moore that he was '*very concerned about what had happened outside the debrief process and that* [Gary Eaton] *may have been given assistance from within the enquiry team*'.[822]

817 Message M1174 re […] Gary Eaton's father, MPS074132001, pp1-3, 17 July 2008.
818 Witness statement of DI Douglas Clarke, MPS006787001, p1, 18 May 2009.
819 Memorandum from Witness Protection Unit Handler giving details of contacts with Gary Eaton about his father, MPS107945001, p398.
820 Witness statement of DI Douglas Clarke, MPS006787001, p2, 18 May 2009.
821 Report by DI Anthony Moore entitled Operation Abelard, MPS107945001, p395, undated.
822 Report by DI Anthony Moore entitled Operation Abelard, MPS107945001, p396, undated.

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492. DI Anthony Moore recorded his concerns in an undated written report stating that Gary Eaton's evidence had been '*contaminated with material from outside the debrief*'[823] and that there had been '*inconsistencies in his accounts throughout the process*'.[824] He reported that the approach to Gary Eaton on 08 July 2008, of which he had been unaware, had '*undermined the integrity*' of the process.[825] He concluded that '[o]*n the facts available, it would appear that* [Gary Eaton] *has had information given to him by his witness protection unit officer acting on instruction given by DI CLARKE*[.] *In turn it appears DI CLARKE has been acting on instruction of more senior officers unknown*.'[826] DI Moore recorded that DI Clarke told him that they had already asked Gary Eaton the question regarding the status of his father '*and he will say that his father was not dead but dead to him*'.[827]

493. DI Anthony Moore informed D/Supt Barry Phillips. DI Moore then telephoned DS Gary Dalby of the Abelard Two Investigation and told him that '*Eaton had apparently been asked the question relating to his father by the WPU* [Witness Protection Unit] *prior to the debrief at the request of Doug Clarke and this was outside the process*'. DS Dalby said, '*I told him that this was my first knowledge of the matter and was sure there was a good reason* […]'.[828]

494. Commander Stuart Osborne of the Directorate of Professional Standards was informed that day about the problem and he reviewed what had happened. In a file note dated 08 October 2008, Commander Osborne recorded that he had considered DI Anthony Moore's report, had considered the approach made by DI Douglas Clarke to Gary Eaton's Witness Protection Officer, and had spoken to the Witness Protection Officer's supervisor, who relayed the full explanation of the facts after consulting the Witness Protection Officer. He concluded that the activities of the Witness Protection Officer appeared to be '*justified and appropriate*', and that '*the activities were legitimate and reasonable for purposes of protection and that all contact had been recorded and accounted for*'.[829]

495. On 04 November 2008, former DCS David Cook made a statement about the events which followed his being informed, '*on or about the 7th or 8th July 2008*', of the fact that Gary Eaton's father was still alive and that this contradicted information given by Gary Eaton during his debrief process. He recorded that,

> *'I needed to satisfy not only myself but also the prosecuting authorities about this ambiguity that had arisen. By that I mean I had to satisfy myself as to the truthfulness of Gary Eaton in relation to this and other matters. The debrief by this time had been completed and Eaton was incarcerated within an unknown prison. Our only point of contact was through the Witness Protection Unit and the lead for that was Detective Inspector Doug Clarke. I had no means of contact* [sic] *either Eaton direct or his WPU* [Witness Protection Unit] *Officer. I therefore tasked/instructed Doug Clarke to establish through the WPU what the situation was with Eaton's father. My primary consideration was that of the integrity of his evidence and the prosecution although naturally there were also some concerns as to the safety of Eaton's wider family. The issue of the information about the father was communicated to the Prosecuting Authorities.'* [830]

823 Report by DI Anthony Moore entitled Operation Abelard, MPS107945001, p392, undated.
824 Report by DI Anthony Moore entitled Operation Abelard, MPS107945001, p393, undated.
825 Report by DI Anthony Moore entitled Operation Abelard, MPS107945001, p393, undated.
826 Report by DI Anthony Moore entitled Operation Abelard, MPS107945001, p396, undated.
827 Report by DI Anthony Moore, MPS107945001, p393, para 11, undated.
828 Observations on the report by DI Anthony Moore MPS006793001, p1, 08 October 2008.
829 File note by Commander Stuart Osborne re Gary Eaton, MPS107945001, p402, 08 October 2008.
830 Witness statement of former DCS David Cook, MPS078478001, pp1-2, 04 November 2009.

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496. Defence Counsel subsequently became aware of the allegation that DI Douglas Clarke had alerted Gary Eaton that he had been caught lying in relation to whether his father was still alive. During the later pre-trial hearing, the Defence, having received copies of this documentation, and after DI Clarke gave evidence in court,[831] agreed with the Prosecution that the '*higher authority*' referred to by DI Clarke in his evidence was former DCS David Cook.[832]

497. In his judgment, Mr Justice Maddison, in response to the representations made by Defence Counsel, considered whether Gary Eaton '*was tipped off*' that he had been found to have lied about his father's death.[833] He concluded that '[t]*he purpose of the approach to Mr Eaton in my view was in part at least to tip him off that he had been caught out lying about his father*'.[834]

498. Mr Justice Maddison also said that '*my finding that Mr Eaton was tipped off that he had been caught lying about his father's death and thus given the chance to think of an explanation would not by itself have led me to exclude his evidence.* [...] *he gave an explanation almost immediately and without prompting. The lie about his father did not affect the subject-matter of his anticipated evidence at trial itself. It did of course go to his credibility* [...].'[835]

6.4.7 Further efforts made to corroborate Gary Eaton's evidence

499. As information about alleged criminality was received by the Abelard Two Investigation from the debrief team, attempts were made to corroborate what Gary Eaton had said. This was a lengthy and resource-intensive exercise.

500. On 08 August 2006, Gary Eaton was reported by DS Gary Dalby to have disclosed a conspiracy by him unrelated to the murder of Daniel Morgan,[836] Person A13 and her new partner who was later identified as Person K17, to murder Person A13's former husband.[837] He had taken cash from Person A13 and done nothing further about the matter. The police were completely unaware of this crime before Gary Eaton disclosed it.[838]

501. On 09 August 2006, arrangements had been made for any alleged or suspected criminality which was not relevant to the murder of Daniel Morgan to be referred to the Specialist Crime Directorate.[839]

502. Gary Eaton subsequently provided details of the conspiracy as follows:

i. Person A13 wanted her former husband killed because of an upcoming court case. Person A13 feared that if her former husband was still around, she could end up going to jail. Gary Eaton agreed to kill her former husband. Person A13 had given him a photograph of her former husband in an envelope, together with details of his work

831 Hearing, pp44-55, 09 November 2009 and Hearing, p22, 10 November 2009.
832 JOINT DEFENCE – MOOREGATE -CONCLUDING SUBMISSIONS, EDN002075001, pp17-20, 22 December 2009; and, Submissions and ruling, EDN000265001, pp84-85, 18 December 2009
833 Ruling of Mr Justice Maddison, MPS107506001, p58, undated.
834 Ruling of Mr Justice Maddison, MPS107506001, p60, para 274.5, undated.
835 Ruling of Mr Justice Maddison, MPS107506001, p64, para 287, undated.
836 Initial notes on debrief on Gary Eaton, EDN001560001, pp5-6, undated.
837 Offences schedule and corroborative evidence table, MPS103428001, p17, undated.
838 Initial notes on debrief on Gary Eaton, EDN001560001, p5, undated.
839 Operation Abelard Two Oversight Panel Meeting, MPS108270001, p3, undated. Matters were referred to Commander Shaun Sawyer and investigated by D/Supt Roger Critchell.

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address and car. Gary Eaton had put the envelope under the carpet of the house in a named location where he was staying at the time. It was established, on investigation, that such an envelope had been found by a subsequent tenant at the house.

ii. Gary Eaton had asked for £1,500 for '*background work*'. Person A13 had said that she would pay £5000 on '*completion of the contract*'.

iii. At a later time, Person K17 had given Gary Eaton an envelope containing £1,500.

iv. Gary Eaton had bought a gun from Person Q3.

v. Having agreed to kill her former husband, Gary Eaton told Person A13 that he would not do it. He had informed a friend about the matter.

vi. On the night that Gary Eaton told Person A13 that he was not going to kill her former husband, he had cleaned the gun and thrown it, the magazine and the ammunition, in the paper wrapping, over the Battersea side of Chelsea Bridge, into the River Thames. This was just after midnight. Immediately before throwing the gun into the River Thames, Gary Eaton had bought a burger and a coffee from a burger van on the bridge.[840]

503. On 04 October 2006, Person A13's former husband had a meeting with the Abelard Two Investigation.[841] The former husband made a statement in which he said that his boat had been sunk by Person A13 on 14 February 2004.[842] Person A13 had been charged by Sussex Police with criminal damage in 2004. The case had been dropped by the prosecution at court in 2005.[843]

504. DCS David Cook decided that the Abelard Two Investigation would also investigate the alleged conspiracy to murder, which was named Operation Haglight. In April/May 2020, after consulting with former T/DCI Noel Beswick and examining some of the Operation Haglight papers, T/DI Gary Dalby provided the following information about those responsible for Operation Haglight:

i. DCS David Cook was the Senior Investigating Officer until his retirement in December 2007. T/DCI Beswick then became Senior Investigating Officer.[844] However, when asked at interview who the Senior Investigating Officer was former DCS Cook said that DI Douglas Clarke '*took the lead on Haglight, with Noel* [Beswick]'.[845] He also said, '*I suppose you could say I was hands-on, you know hands-on and hands off from a distance*'. He said that he '*was kept informed about it*'. He continued: '*Did I have any direct decisions? I may have offered advice or had some influence at some stage but my role in terms of Haglight was fairly limited.*'[846]

ii. A Detective Constable was the case officer. That Detective Constable and another Detective Constable undertook the disclosure exercise together.[847]

840 Operation Abelard Assertion Schedule, EDN000207001, pp54-57, undated.
841 Meeting notes, MPS102634001, 04 October 2006.
842 Witness statement of […], MPS002591001, pp9-10, 24 October 2006.
843 Copy of Crown Court computer records re sinking of […] by Person A13, MPS104110001, p4. 04 August 2008.
844 Email from DS Gary Dalby, 28 April 2020.
845 Panel interview with former DCS Cook, Transcript 3, p24, 25 August 2020.
846 Panel interview with former DCS Cook, Transcript 3, p24, 25 August 2020.
847 Email from DS Gary Dalby, 28 April 2020.

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iii. Former DS Gary Dalby said that he did not recall being designated Disclosure Officer on Operation Haglight but might have disclosed some material in that case to the Crown Prosecution Service, who cross-served all relevant documents to the various defence teams.[848] A very lengthy schedule of material for disclosure was served on the Defence in December 2009 by DS Dalby.[849] After March 2011, when the staffing of the Abelard Two Investigation had been reduced, DS Dalby had assumed the role of case officer and took the matter to court.[850]

iv. The Crown Prosecution Service Prosecutor was Stuart Sampson.[851]

v. Heather Stangoe and Mark Gadsden were Prosecution Counsel.[852]

505. At interview with the Panel, former DCS David Cook was asked why he did not refer the case elsewhere for investigation. He responded that it was necessary for his team to investigate it in order to establish Gary Eaton's credibility, and

> *'*[…] *we didn't have the luxury of being able to farm out different aspects, different investigations to other teams. That other people were admitting to, you know. We took in what we had and we dealt with what he had, in the best way that we could.'*[853]

506. Former DCS David Cook was then asked about the decision made a month earlier on 04 September 2006, that serious crime issues would go to the Specialist Crime Directorate for investigation.[854] He said that he could not remember what discussion had taken place and that ultimately, he had decided to investigate Operation Haglight.[855]

507. When asked about the impact on the Abelard Two Investigation of investigating Operation Haglight and the other matters which he chose to investigate, former DCS David Cook said that it had '[m]*assive impact*'.[856] He said that his view had been that more resources should have been asked for but that T/DCI Noel Beswick had said that '*we can deal with what we've got within the resources that we had. And since he was operational manager in the team, then I accept his decision on that.*'[857] Former DCS Cook was asked whether he raised the resources issue with DCS Hamish Campbell, who became involved in the senior management of the Abelard Two Investigation. He responded: '*Very few with Hamish.* […] *Hamish was looking to reduce us or stop us from doing things, because he was worried about the cost and the budget etc.*'[858]

848 Email from former DS Gary Dalby, 22 May 2020.
849 Schedule of material served on the Defence, MPS107950001, December 2009.
850 Email from former DS Gary Dalby, 22 May 2020.
851 Email from former DS Gary Dalby, 28 April 2020.
852 Email from former DS Gary Dalby, 28 April 2020.
853 Panel interview with former DCS David Cook, Transcript 3, p24, 25 August 2020.
854 Minutes of Operation Abelard Oversight Group Meeting, MPS109471001, p42, 04 September 2006.
855 Panel interview with former DCS Cook, Transcript 3, pp24-25, 25 August 2020.
856 Panel interview with former DCS Cook, Transcript 3, p26, 25 August 2020.
857 Panel interview with former DCS Cook, Transcript 3, p26, 25 August 2020.
858 Panel interview with former DCS Cook, Transcript 3, p26, 25 August 2020.

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508. At this stage, DCS David Cook should have referred the matter to the Metropolitan Police Specialist Crime Directorate. He did not do so. That failure meant that the Abelard Two Investigation was running a full conspiracy to murder investigation in respect of the allegations against Person A13 and others, while also conducting the investigation into Daniel Morgan's murder. There is no evidence that further resources were sought or provided to facilitate this. There is no record that T/DCI Noel Beswick decided that no further resources were required. As Senior Investigating Officer, it was DCS Cook's responsibility to seek adequate resources. There is no evidence that DCS Hamish Campbell subsequently wrongly sought to limit the investigation. In January 2021, former DCS Cook explained to the Panel that it was necessary for him to retain Operation Haglight as it would have been, as a matter of practicality, impossible for him to share Gary Eaton with another investigation team given the sensitivities of the debrief. The Panel accepts it may have been complicated, but former DCS Cook should have referred these matters for consideration within the Metropolitan Police.

509. The Panel had some difficulty in assembling material relating to Operation Haglight. Many documents, including the report to the Crown Prosecution Service, were not available. However, it has been possible to establish basic information.

510. Person K17 was first arrested by the Abelard Two Investigation on 19 December 2006 and charged with conspiracy to murder Person A13's former husband on 28 May 2008.[859]

511. On 31 January 2007, five members of a police underwater search team searched the area of the River Thames off the Chelsea bridge over a period of five days looking for the gun which Gary Eaton had said he had thrown into the river. Nothing relevant to the enquiry was found.[860] A gun was recovered[861] but it did not match the description given by Gary Eaton.[862]

512. Person A13 was first arrested on 19 December 2006 by the Abelard Two Investigation and bailed. On 28 May 2008, she was arrested and did not answer any questions. On the same day, she was charged with conspiracy to murder.[863]

513. Gary Eaton was arrested on 04 May 2007 and charged with conspiracy to murder.[864]

514. Person Q3, from whom Gary Eaton had bought the gun, was first arrested on 28 May 2008 and charged with selling a prohibited weapon contrary to the Firearms Act 1968.[865] He did not answer any questions.[866]

515. Gary Eaton's friend whom he said he had confided in was first arrested and charged on 28 May 2008 with conspiracy to murder.[867] He did not answer any questions.[868]

859 Arrest and interview package re Person K17, MPS104000001, p61, 28 May 2008.
860 Witness statement of a Police Constable, MPS107950001, p36, 21 February 2007.
861 Witness statement of a Detective Constable, MPS078249001, 12 February 2007.
862 Operation Abelard Assertion Schedule, EDN000207001, p55, undated.
863 Arrest and interview package re Person A13, MPS103999001, pp18-39 and 60, 28 May 2008.
864 Message and statements pertaining to the arrest of Gary Eaton, MPS006762001, p1, 04 May 2007.
865 Arrest and interview package re Person Q3, MPS104001001, p11, 28 May 2008.
866 Transcript of interviews in respect of Person Q3 (1356-1439) MPS075063001, 28 May 2008.
867 Arrest and interview package re […], MPS104004001, p13, 28 May 2008.
868 Transcript of interviews in respect of […] (1159-1241) by DC Johnson DS Barnes, MPS075086001, 28 May 2008.

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516. Gary Eaton did not plead guilty to the conspiracy to murder charge. He said that he had withdrawn from the conspiracy to murder when he threw the gun into the River Thames. The not-guilty plea was accepted by Stuart Sampson on 09 August 2008. He explained this decision to Defence Counsel in the Daniel Morgan murder case saying that he was '*not clear that either Jonathan REES QC or Nicholas HILLIARD QC were fully sighted of what was happening*' and that:

> *'I do not understand how they* [Operation Haglight] *could contemplate proceeding with the case against the other three conspirators when* [Gary Eaton] *had said that he had withdrawn, so effectively if he was not guilty, how could the other three be guilty of a crime where there was no person who was to carry out the crime. Wouldn't this have rendered his testimony against the other three very questionable?'* [869]

517. His Honour Judge Richard Hone QC ruled on 19 September 2011 that Gary Eaton's evidence was excluded under section 78 of the Police and Criminal Evidence Act 1984, and the conspiracy to murder charges against all the Defendants in Operation Haglight were withdrawn and they were acquitted.

518. The cost of Operation Haglight was budgeted for in the Abelard Two resourcing arrangements sought by DI Douglas Clarke for the year 01 April 2008 to 31 March 2009.[870] In addition to Operation Haglight, former DCS David Cook assumed responsibility for other investigations, including Operation Medusa[871] using the resources allocated to the Abelard Two Investigation. An email dated 20 October 2010 from DI Clarke to former DCS Cook, T/DCI Noel Beswick and DS Gary Dalby, listed all the persons currently on bail to the Abelard Two Investigation as follows:

i. An individual charged with 14 offences arising from information supplied by Gary Eaton, the main offence being aggravated burglary. The email stated that '*we are "court ready" but requires the appointment of OIC* [Officer in Charge]'.

ii. Two individuals who had been charged with assault, intimidating a witness and perverting the course of justice[872] were scheduled for a trial date on 29 November 2010 at Blackfriars Crown Court.

iii. Former DS Alec Leighton had been arrested on 17 December 2008 and had been re-bailed repeatedly. DI Clarke said that '*should a further re-bail occur on the 15th November 2010, that will take his tally to his* [sic] *18 times*'.

iv. Person L20 had also been arrested in 2008 and was in the same position. DI Clarke stated that '*the defence teams were aware that the decision making* [on both former DS Leighton and Person L20] *for this situation lies with the CPS* [Crown Prosecution Service] *but not withstanding we are still taking criticism*'.[873]

519. DI Douglas Clarke concluded this email saying, '*I believe that the CPS* [Crown Prosecution Service] *should possibly be re-directed to these circumstances. Another problem that we could possibly be prevented from getting worst* [sic].'[874]

869 Letter from Stuart Sampson 09 September 2008 to Defence lawyers.
870 PATP Review, MPS107605001, pp32-38, 15 April 2008.
871 An investigation into one of the allegations made by Gary Eaton regarding a firearm.
872 Custody record for […], MPS006306001, p26, 21 July 2009; and custody record of Person E30, MPS005566001, P17, 21 JULY 2009.
873 Email from DI Douglas Clarke to DCS David Cook and others, EDN002095001, 20 October 2010.
874 Email from DI Douglas Clarke to DCS David Cook and others, EDN002095001, 20 October 2010.

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520. DCS David Cook should not have assumed responsibility for the investigation of these matters which were unconnected to the murder of Daniel Morgan. No resources were allocated to enable the investigations. They involved large amounts of investigation, numerous arrests and return to bail, the gathering of significant amounts of material and the preparation of at least two reports to the Crown Prosecution Service together with the associated disclosure exercises for the two trials which were listed. All these were happening as further difficulties and complexities arose in the Abelard Two Investigation.

521. The diversion of the investigative capacity of the Abelard Two Investigation from its primary focus to the prosecution of other matters could have been prevented had there been proper oversight of DCS David Cook and the Abelard Two Investigation. AC John Yates was responsible for failure to impose a proper management structure and the fact that the Abelard Two Investigation was not run properly.

6.4.8 The conviction and sentencing of Gary Eaton for the crimes he admitted during the debrief process

522. On 17 October 2008, His Honour Judge Gordon said that the crimes committed by Gary Eaton would have warranted a sentence of 28 years, but the fact that he had volunteered information, made statements and pleaded guilty meant that this sentence was reduced to 14 years, and that the 14-year sentence was reduced by 75 per cent in the light of the assistance given by Gary Eaton under section 73 of the Serious Organised Crime and Police Act 2005. This brought the sentence to three-and-a-half years. His Honour Judge Gordon then reduced that sentence further to three years in recognition of the time which Gary Eaton had spent in protective custody.[875]

523. Gary Eaton's conviction for these offences was necessary before he could be presented to the court as a witness of truth. He was then scheduled as a witness in the forthcoming trial of Jonathan Rees, Glenn Vian, Garry Vian, James Cook and former DS Sidney Fillery. Ultimately, his evidence was excluded by Mr Justice Maddison at the hearing on 15 February 2010.[876] (See section 11.6.1 below.)

6.5 Person S15

524. On 27 October 2006, in an attempt to find more witnesses, DCS David Cook arranged for the publication, in *The Sun* newspaper, of an article about the police finding a 1957 Austin Healey car which had belonged to Daniel Morgan. The article contained new information about Daniel Morgan's car, details of the murder and of the £50,000 reward with a *Crimestoppers* telephone number, through which information could be provided to the police. The car had been removed shortly after Daniel Morgan's murder from the garage in which he had left it. In August 2006, Iris Morgan, who still had the original logbook for the Austin Healey, had asked the

875 Sentencing Hearing, Regina v Gary Eaton, MPS105543001, p70, 17 October 2008.
876 Extract from transcript of discussion between Mr Justice Maddison and counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, p1, 15 February 2010.

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police whether they could find it. It was found on 07 September 2006 having been registered on 14 October 1991 by a man who had bought the vehicle in good faith in about 1988/1989 from a scrap dealer and had spent several thousand pounds restoring it.[877]

525. Person S15 saw the article and came forward to offer to provide information in relation to the murder of Daniel Morgan.[878] He was living overseas and had no previous convictions.[879] He is reported to have said that he hoped to receive some of the reward money.[880]

526. In a statement dated 15 November 2006, Person S15 said that he had been a close friend of Garry Vian's since 1983/1984, that their wives had known each other since childhood, and that the two families had socialised together. Person S15 also said that he had known James Ward and a drug dealer, and that he had known James Cook since 1983/1984.[881]

527. Person S15 recorded that he had been told by Garry Vian about the murder of Daniel Morgan, as follows:

i. Garry Vian had said that James Cook had been at the murder, but he '*was only involved as the driver,*'[882] and that because James Cook was under investigation for drugs offences Garry Vian and Sharon Vian '*were worried that he may say something, that he would implicate himself as being the driver but that he would get consideration for going Queen's Evidence*'; [883,884]

ii. '*Daniel Morgan was murdered because he was looking into Gary* [sic] *and others dealing drugs. Morgan knew too much*';[885] and

iii. '[H]e *(MORGAN) was looking into Gary* [sic] *and his friends as a P.I.* [Private Investigator] *and that was the reason that he was murdered.*'[886]

528. The Prosecution intended to use Person S15 as a witness in the trial.

6.6 Former Police Officer N21

529. Police Officer N21 had been a member of Catford Crime Squad, reporting to DS Sidney Fillery when Daniel Morgan was murdered.[887] He left the Metropolitan Police in 1989.

530. Police Officer N21 had given a witness statement in November 1987 which included the following information:

i. He had known Jonathan Rees well, having socialised with him regularly.[888]

ii. He had not known Daniel Morgan.[889]

877 File re Theft of Austin Healey, DC Caroline Linfoot, MPS104613001, p3, 20 January 2009.
878 Officer's Note re Person S15, MPS005526001, p2, 13 November 2006.
879 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, pp13-14, para 56, 17 February 2017.
880 Officer's note re Person S15, MPS005526001, p2, 13 November 2006.
881 Witness statement of Person S15, MPS078155001, 15 November 2006.
882 Witness statement of Person S15, MPS078155001, p7, 15 November 2006.
883 Providing evidence to assist the prosecution.
884 Witness statement of Person S15, MPS078155001, p7, 15 November 2006.
885 Witness statement of Person S15, MPS078155001, p6, 15 November 2006.
886 Witness statement of Person S15, MPS078155001, p6, 15 November 2006.
887 Witness statement of Police Officer N21, MPS010849001, p2, 20 November 1987.
888 Witness statement of Police Officer N21, MPS010849001, p3, 20 November 1987.
889 Witness statement of Police Officer N21, MPS010849001, p5, 20 November 1987.

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iii. He had worked on the murder investigation for the first few days with other members of the Catford Crime Squad, making enquiries in local public houses.[890]

iv. DS Sidney Fillery was a friend of his.[891]

v. He knew nothing about the murder of Daniel Morgan.[892]

531. Former Police Officer N21 was approached by the Abelard Two Investigation in November 2006 and was initially reluctant to provide information. However, on 23 November 2006, he attended an unrecorded interview with DCS David Cook and A/DCI Noel Beswick in which he talked about corrupt activities by DS Sidney Fillery and various other officers of the Catford Crime Squad at the time of Daniel Morgan's murder[893] (see Chapter 10, Corruption).

532. On 02 February 2007, former Police Officer N21 signed a witness statement naming 21 officers, who, he alleged, were involved in criminal activity. He admitted being personally involved in a number of corrupt activities as a police officer.[894] He also stated the following:

i. He had met Daniel Morgan on a few occasions, and that the first time was '*about a month to six weeks before the murder'.*[895]

ii. One day, when he was still working on the Daniel Morgan murder enquiry, he had met WPC Maureen Fentiman, who had said that DS Sidney Fillery had asked her to ask Police Officer N21 '*to get rid of some stuff out of his office'.*[896]

iii. He went to the Crime Squad office and '*found an apple box under the desk next to Sid's with a load of buff coloured files in*'.[897] Police Officer N21 emptied the contents of the box into a bin bag. He said that he thought there were some police microfiches[898] there and some A4 size files with 'CR' on the top.

iv. He took them home and hid them in the loft space of his flat.

v. Later he burned half of these files at his mother-in-law's house and decided to keep the remaining files as some sort of '*insurance policy*'.[899]

533. Police later searched this address, but they did not find the files where former Police Officer N21 had said that he had left them.

534. Former Police Officer N21 did not provide any information specific to the murder of Daniel Morgan. The information which he did provide about removing files for DS Sidney Fillery in the first five days of the murder investigation was investigated but not corroborated. He was not listed as a witness for the murder investigation.

890 Witness statement of Police Officer N21, MPS010849001, p7, 20 November 1987.
891 Witness statement of Police Officer N21, MPS010849001, p8, 20 November 1987.
892 Witness statement of Police Officer N21, MPS010849001, p, 20 November 1987.
893 Decision 70, Decision Log by A/DCI Noel Beswick re former Police Officer N21, MPS080358001, pp2-3, 12 December 2006.
894 Witness statement of former Police Officer N21, MPS077976001, p2, 02 February 2007.
895 Witness statement of former Police Officer N21, MPS077976001, p6, 02 February 2007.
896 Witness statement of former Police Officer N21, MPS077976001, p7, 02 February 2007.
897 Witness statement of former Police Officer N21, MPS077976001, p7, 02 February 2007.
898 Microfiche – a flat sheet of film on which microphotographs of the pages of a newspaper, catalogue, or other document are stored.
899 Witness statement of former Police Officer N21, MPS077976001, p7, 02 February 2007.

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6.7 Person X8

535. Person X8 came to the attention of the Morgan One Investigation in October 1987.[900] He was called as a witness by Jonathan Rees during his trial for an offence unrelated to the murder of Daniel Morgan. Jonathan Rees was convicted for this offence. The Morgan One Investigation concluded, on the basis of information received from former DCI Laurence Bucknole, that Person X8 was '*anti police*' and there was no point in contacting him as '*we would not obtain any useful or relevant information*'.[901]

536. Person X8 was subsequently approached by the Hampshire/Police Complaints Authority investigation in 1989, because they had become aware that he was living with Garry Vian's mother. In a statement made on 08 February 1989, he had explained that he had been living with Garry Vian's mother for about 12 months. He had started to work for Jonathan Rees during the latter part of 1988 on a part-time basis. He said that he knew nothing about the murder and that he had not known Daniel Morgan.[902]

537. On 26 June 2002, a police officer had submitted a message suggesting that the Abelard One/Morgan Two investigation look at Person X8, who '*knew all these people*'.[903] On 02 August 2002, Person X8 was sentenced to ten years' imprisonment for manslaughter,[904] and he was interviewed on 05 November 2002, while in prison. He had said, at this stage, only that he had known Daniel Morgan. He had not provided any further information to assist the investigation of Daniel Morgan's murder, although the police officer who interviewed him reported that, '*I believe this inmate has vital information that will assist police in identifying person(s) responsible for this brutal murder and that consideration should be given to employing covert techniques that will assist in progressing this enquiry further*'.[905]

538. Kim Vian and Glenn Vian had talked about Person X8 during a conversation which had been covertly recorded on 10 October 2002. It had become apparent that they were aware that police were making enquiries about Person X8. They speculated that this may have been because Person X8 had worked for Southern Investigations. The transcript is unclear, but Kim Vian was recorded as saying of Person X8. '[i]*f someone told him he had only 12 months to live he might confess*'.[906]

539. James Ward had told DCS David Cook and others on 02 February 2005 (see paragraph 243 above) that '[Person X8] *used to go out with Gary's* [sic] *mum. Gary said "don't talk to him '*[Person X8]*' cos he's ill and in for 15" I never have. Gary thinks if he's offered parole or £50k or anything,* [Person X8] *would roll over.*'[907]

540. An intelligence profile of Person X8 was created by the Abelard Two Investigation in June 2006. It confirmed that he had been convicted of manslaughter and was imprisoned for ten years on 02 August 2002.[908]

900 Court printout of Person X8, MPS001483001, p1, undated.
901 Action A1261 to research Person X8, MPS072475001, p2, allocated 07 October 1987.
902 Witness statement of Person X8, MPS017270001, 08 February 1989.
903 Message M4 from a Police Constable, MPS072479001, 26 June 2002.
904 Court printout of Person X8, MPS001483001, 22 March 2010.
905 Intelligence report re Person X8, MPS072487001, 07 November 2002.
906 Audio summary of covert recording, MPS049947001, p4, 10 October 2002.
907 Transcript of interview, MPS001102001, p6, 02 February 2005.
908 Court printout of Person X8, MPS001483001, p6, 22 March 2010.

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541. In June 2007, it was decided by the Abelard Two Investigation to take a statement from Person X8 about his knowledge of Daniel Morgan's murder.[909] On 30 January 2008 and 04 February 2008, he was visited in prison by officers from the Abelard Two Investigation. He provided information about the murder of Daniel Morgan and about those whom he believed to be involved and agreed to make a statement. That statement was recorded on 19 February 2008 and included the following information:[910]

i. Former DS Sidney Fillery started working full-time in Southern Investigations around the time that Person X8 started there in 1988 or 1989;

ii. Southern Investigations used to sell stories to Alex Marunchak of the *News of the World* newspaper. Some of these stories were made up by Jonathan Rees;

iii. Jonathan Rees had compromising photographs of police officers which he retained as '*insurance*'.[911] One photograph was of a person whom Jonathan Rees had described as '*a senior police officer*';[912]

iv. Former DS Fillery was heavily involved with the Freemasons, as was Jonathan Rees;

v. Former DS Fillery and Jonathan Rees employed a number of former police officers at Southern Investigations including former Police Officer N21 and former DC Duncan Hanrahan;

vi. Jonathan Rees and former DS Fillery used a computer hacker to access sensitive records;

vii. Glenn Vian and James Cook had robbed Jonathan Rees of the Belmont Car Auctions money (see Chapter 1, The Morgan One Investigation), and were involved in other robberies;

viii. It was his opinion that Daniel Morgan had '*discovered something illegal that REES and FILLERY were involved in, possibly major Police corruption*', and that '*whomever it was that was involved with REES, found out that MORGAN was about to expose their dealings and instructed or persuaded REES to silence MORGAN by whatever means necessary*';[913]

ix. Garry Vian was a close friend of James Cook and that they worked together in the drugs trade;

x. He had been afraid of '*FILLERY's circle of influence*'.[914] He said that '*he was a powerful man with a far-reaching network of contacts, both within and outside of the law. I was always under the impression he was not to be trifled with.*'[915] He also said that he was aware that '*FILLERY has "fitted" people up in the past*'.[916]

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909 Message M760 requesting statements to be taken from Person P9, Person F11, [...] and Person X8, MPS067003001, 07 June 2007.
910 Witness statement of Person X8, MPS078367001, 19 February 2008.
911 Witness statement of Person X8, MPS078367001, pp2-3, 19 February 2008.
912 Witness statement of Person X8, MPS078367001, p2, 19 February 2008.
913 Witness statement of Person X8, MPS078367001, p7, 19 February 2008.
914 Witness statement of Person X8, MPS078367001, p10, 19 February 2008.
915 Witness statement of Person X8, MPS078367001, p10, 19 February 2008.
916 Witness statement of Person X8, MPS078367001, p10, 19 February 2008.

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542. Person X8 also provided more specific information in relation to the murder of Daniel Morgan, as follows:

i. Shortly after Jonathan Rees was released from prison in 1989, Glenn Vian had come into the offices of Southern Investigations. He had been very angry. Glenn Vian had told Person X8 that Jonathan Rees had instigated the murder of Daniel Morgan and that he had paid Glenn Vian and James Cook to do the murder. Glenn Vian had said that he was owed £8,000 by Jonathan Rees as the final payment for the murder;

ii. Glenn Vian had told him '*something along the lines that he had come up behind MORGAN and killed him from the back*';[917]

iii. James Cook had been the getaway driver, and he had stolen a Ford Cortina specifically for the getaway;

iv. Glenn Vian had said that James Cook did not tell him what happened to the car after the murder;

v. The information that Glenn Vian had given to him about the roles played by Glenn Vian, James Cook and Jonathan Rees had been passed on by Person X8 to DS Sidney Fillery;[918]

vi. Garry Vian was not involved in the murder;

vii. He was unaware that Daniel Morgan's trouser leg had been ripped;

viii. He did not know what had happened to Daniel Morgan's watch;

ix. He thought that he had helped an individual, now deceased, to clear out a garage and he may have pulled the Austin Healey car out of the garage and helped put it onto a tow truck of sorts.[919]

543. Person X8 said that, sometime after his conversation with Glenn Vian, when Glenn Vian had said that he was owed £8,000 for carrying out the murder of Daniel Morgan, he had seen Jonathan Rees with a brown envelope on his desk. Jonathan Rees had been counting money into a brown envelope. Glenn Vian had then come into the office, and Person X8 had seen him leave the office with a brown envelope sticking out of his inside jacket pocket. Glenn Vian had told Person X8 that Jonathan Rees had just paid him the £8,000 owing from Daniel Morgan's murder. Person X8 said that when he saw Jonathan Rees counting the money, '*it certainly looked to me to be in the region of £8,000.00 that I saw*'.[920] Although Person X8 did not know how much Jonathan Rees had paid Glenn Vian and James Cook, he knew that in those days the price of having someone killed was £20,000-25,000.[921] In the weeks preceding this final payment he said that there had been '*lots of arguments behind closed doors*'[922] between Jonathan Rees, Glenn Vian and James Cook. He also said that he had told former DS Sidney

917 Witness statement of Person X8, MPS078367001, p5, 19 February 2008.
918 Witness statement of Person X8, MPS078367001, p6, 19 February 2008.
919 Witness statement of Person X8, MPS078367001, p8, 19 February 2008.
920 Witness statement of Person X8, MPS078367001, pp5-6, 19 February 2008.
921 Witness statement of Person X8, MPS078367001, p6, 19 February 2008.
922 Witness statement of Person X8, MPS078367001, p6, 19 February 2008.

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Fillery about this but that former DS Fillery had asked Person X8 if he thought that former DS Fillery would '*get himself involved with REES if he thought that REES was in any way connected to MORGAN's murder*'.[923]

544. The Prosecution decided to use Person X8 as a witness.

6.8 Person J5

545. Gary Eaton had told his debriefers that a woman had been in a relationship with James Cook between 1990 and 1999.[924] Police identified that woman as Person J5.[925] She had no criminal convictions.[926]

546. A decision was made to find Person J5 in November 2006,[927] and police contacted her mother.[928] DC Caroline Linfoot met Person J5 on 15 December 2006.[929] Person J5 subsequently told DC Linfoot that she believed that her mother would contact James Cook, that she was very afraid of James Cook, and repeatedly stated that she was unwilling to appear in court.

547. In a typed message to the Abelard Two Investigation, DC Caroline Linfoot recorded that Person J5 had said the following:

i. She had begun an eight-year relationship with James Cook around 1991. She said that '*their relationship wasn't really up to much, in that he didn't take her out very much and only saw her when it suited him*'.[930] She ended the relationship;

ii. During that period James Cook had told her about Daniel Morgan's murder. She had heard James Cook talk about Daniel Morgan's murder '*several times*'[931] and James Cook had talked about it among his circle of close friends;

iii. Jonathan Rees (she referred to '*John Rees*') had something to do with the murder and his brother-in-law had carried it out;[932]

iv. Jonathan Rees had met Daniel Morgan in the Golden Lion public house;

v. People thought that Jonathan Rees and Daniel Morgan had then left the public house by separate doors, but Jonathan Rees had led Daniel Morgan out into the car park and had been present when he had been killed;

vi. The man who committed the murder was '*a nutter*, *a big bloke from Croydon*',[933] and she thought that '*he may have worked on the doors at clubs sometimes*'.[934] When DC Linfoot asked her if the name of the man could have been Garry or Glenn, she immediately said it was Glenn.[935]

923 Witness statement of Person X8, MPS078367001, p6, 19 February 2008.
924 Record of Debrief Interview, MPS102877001, p3, 15 September 2006.
925 Action A566, '*Trace and identify the* [...] *know as Person J5 N912*', MPS006129001, p1, allocated 17 November 2006.
926 Police National Computer printout in respect of Person J5, MPS005403001, p2, 30 June 2009.
927 Action A566, '*Trace and identify the* [...] *know as Person J5 N912'*, MPS006129001, p1, 17 November 2006.
928 Message M420, MPS004342001, p1, 15 December 2006.
929 Message M420, MPS004342001, p1, 15 December 2006.
930 Message M420, MPS004342001, p2, 15 December 2006.
931 Message M420, MPS004342001, p2, 15 December 2006.
932 Message M420, MPS004342001, p2, 15 December 2006.
933 Message M420, MPS004342001, p2, 15 December 2006.
934 Message M420, MPS004342001, p2, 15 December 2006.
935 Message M420, MPS004342001, p2, 15 December 2006.

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vii. She '*thought that the murder was about a woman, she thought that either John was trying it on with Daniel's wife, or it was the other way round. She also thought that John had had a go at Daniel in the car park before he was killed*';[936]

viii. Jonathan Rees '*often paid police officers to do things for him*'.[937]

548. Person J5 did not volunteer the name 'Glenn'; it was suggested to her by DC Caroline Linfoot. In these circumstances, it was inappropriate for a police officer to provide a possible name or identity of a suspect. This should not have happened.

549. DC Caroline Linfoot also said that Person J5 had given information in relation to another murder.[938] That information was passed on by DC Linfoot to the police force responsible for investigating that murder.

550. The information in relation to James Cook and about the murder of Daniel Morgan which Person J5 had given to DC Caroline Linfoot was potentially very important, and DCS David Cook and DC Linfoot met Person J5 on 21 December 2006. They explained the investigation to Person J5. It is not known what was said about the investigation. Person J5 articulated concerns about her safety were she to give evidence, and DC Linfoot agreed to meet Person J5 in the New Year to discuss matters further.[939]

551. On 05 January 2007, DC Caroline Linfoot telephoned Person J5 stating that she needed to speak to her and her partner '*so that we could explain to them what was happening with our investigation and the potential impact on her. She said* […] *that she wanted to help but couldn't* […] *she was in counselling and had suffered panic attacks* […] *she had been taking anti-depressants for four years and that they caused her lapses in her memory.*'[940] DC Linfoot stated, '*I explained* […] *it was necessary for her to realise that she could be summonsed to attend court* […] *I explained that no one currently knew I had spoken to her but that it could be disclosed in the future.*'[941]

552. DC Caroline Linfoot also recorded that Person J5 stated that she did not want to see police again, and that '[s]*he again said she did not know if she could remember what she had told us on previous occasions*'.[942]

553. However, despite Person J5's reluctance to be a witness, the information which she had provided was rightly regarded as important, and that day DC Caroline Linfoot wrote to Person J5, saying:

> *'The law has recently changed and that now affords the Prosecuting Authorities to make application to the Court to require a person who has relevant evidence to attend the court and give that evidence whether they wish to or not.*

936 Message M420, MPS004342001, p2, 15 December 2006.
937 Message M420, MPS004342001, p2, 15 December 2006.
938 Message M420, MPS004342001, p2, 15 December 2006.
939 Message M434, in respect of Person J5, MPS005416001, 22 December 2006.
940 Message M454, MPS073353001, p2, 05 January 2007.
941 Message M454, MPS073353001, pp2-3, 05 January 2007.
942 Message M454, MPS073353001, p3, 05 January 2007.

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> *'You will be more aware of what, if any risk you are under through the evidence you can give against the individual concerned. Whilst we are under a duty of care to ensure your safety the making of a witness statement places a higher responsibility on the police to take into account your health and welfare consideration and makes it a criminal offence for any person to interfere, whether by way of threats or otherwise, with your daily life. The level of assistance we can and will offer will be dependent upon the level of risk but can be substantial.'*[943]

554. A/DCI Noel Beswick opened a witness contact log for Person J5 on 11 January 2007.[944] His opening notes stated that Person J5 '*has provided information but needs time to consider providing witness testimony. We will maintain contact with her and provide police support necessary should she wish to deal with her* [illegible] *through the legal system*.'[945] He continued, '*DC Linfoot has begun to develop a rapport with her and so will continue the contact, supporting her with her issues, and hopefully obtaining her testimony in relation to* [James] *Cook*'.[946]

555. Between 11 January 2007 and 12 April 2007, DC Caroline Linfoot and Person J5 exchanged more than 16 text and telephone messages, in which DC Linfoot attempted to arrange to meet Person J5 to talk through the letter and obtain her evidence.[947]

556. On 17 January 2007, Person J5 said that she was happy to talk. She also stated that she had had an accident the previous night when she fell over while walking her dog, so she was housebound, and she did not respond to further messages.[948]

557. As stated above (see paragraphs 108-110), because of ongoing concerns about the adequacy of the oversight arrangements for the Abelard Two Investigation at this time, it had been decided that Commander David Johnston should have an oversight role. Former Commander David Johnston told the Panel that that there had been over 500 calls between DCS David Cook and Person J5 in the early part of 2007. Former Commander Johnston's information about these calls has not been corroborated, but he has told the Panel that DCS Cook had said that the contact was justifiable because the witness was '*shaky*' and needed a great deal of support. Former Commander Johnston said that DCS Cook '*did not seem to understand*' that the huge amount of contact on the itemised billing could be interpreted as an attempt to coach the witness, and it may be suggested that Person J5 had been offered inducements to give evidence.[949]

943 Copy of letter and attachments sent to Person J5, MPS102964001, p2, 05 January 2007.
944 Record of contact log re Person J5, MPS102985001,11 January 2007.
945 Record of contact log re Person J5, MPS102985001, p3, 11 January 2007.
946 Record of contact log re Person J5, MPS102985001, p3, 11 January 2007.
947 Record of contact with Person J5, MPS005395001, pp1-13, various dates.
948 Record of contact with Person J5, MPS005395001, pp1-2, 17 January 2007.
949 Panel interview with David Johnston, p2, 29 September 2016.

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558. DCS David Cook had a responsibility to attempt to identify credible witnesses who might provide evidence about the murder of Daniel Morgan. Person J5 was such a witness. However, it is a cause of significant concern that there is no evidence that former DCS Cook had made any record of any of his contacts with Person J5, and that he had, according to former Commander Johnston, admitted this very significant number of unrecorded contacts with someone whom the Abelard Two Investigation was seeking to recruit as a witness. There is no evidence that DC Caroline Linfoot was aware of this level of contact. Person J5 was a vulnerable and very frightened person, and this level of contact by a police officer holding the rank of Detective Chief Superintendent must have added considerably to the pressures that Person J5 experienced during this period.

559. On 29 January 2007, DC Caroline Linfoot attended Person J5's home address but received no reply. She said that there was a piece of wood covering the glass panel in the front door and another piece of wood above the front door; the windows were very dark, and the glass looked as if some kind of coating had been put on the inside to stop someone looking inside. She checked to see whether police had been called to attend at the address for any reason but no such calls had been received. [950]

560. On 30 January 2007, Person J5 said that she was unwell and being looked after by her partner, so '*I can't help with anything at the moment. Sorry*.'[951]

561. On 06 February 2007, DC Caroline Linfoot began further attempts to meet Person J5.[952]

562. On 19 March 2007, Person J5 again texted to say that she had dislocated her knee, following a fall over her dog. She said that she would be out of contact for a few weeks.[953]

563. DC Caroline Linfoot went to Person J5's home on 13 April 2007 with DS Danny Dwyer, and the conversation was covertly recorded by the police.[954] DC Linfoot and DS Dwyer both attempted to persuade Person J5 that she should give evidence, because if she did not do so then she would be at greater risk than if she did give evidence. During the conversation, DC Linfoot was recorded acknowledging that Person J5 had taken some security precautions and saying:

> '[t]*he reason that I said that I needed to speak to you is because need* [sic] *to make a few things clear to you* [...] *the reason I am here is to tell you that we have concerns that he* [James Cook] *might be looking for you only because somebody on the team has spoken to somebody who has described where this flat is, and has described coming down the lane its* [sic] *in a block of flats and as you look at them it's the bottom left hand flat.*'[955]

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950 Record of contact with Person J5, MPS005395001, p2, 29 January 2007.
951 Record of contact with Person J5, MPS005395001, p2, 30 January 2007
952 Record of contact with Person J5, MPS005395001, pp2-3, 06 February 2007.
953 Record of contact with Person J5, MPS005395001, pp11-12, 19 March 2007
954 Transcript of covert recording of conversation with Person J5, MPS005411001, 13 April 2007.
955 Transcript of covert recording of conversation with Person J5, MPS005411001, p11, 13 April 2007.

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564. Person J5 asked, '[b]*ut how would they know that though?*' DC Caroline Linfoot replied, '[w]*e don't know, but we haven't told them*'.[956] She continued, '*I am not saying that something is likely to happen imminently or if anything will happen.*'[957] However, she emphasised again that Person J5 would have a lot more protection by giving evidence because if anything happened to her, the person concerned would be interfering with a witness. DC Linfoot continued, '[…] *what I will say to you is only you know him and only you know what he is likely to do and what he is capable of and only you know why he would want to stop you saying anything* [...] *I am not trying to scare you but I am duty bound to tell you what I know*.'[958]

565. During the pre-trial hearing on 26 November 2009, DC Caroline Linfoot was questioned about what she had said to Person J5 on this occasion. DC Linfoot told the court that the intelligence had been given to her by a member of the Abelard Two Investigation team but said she could not remember by whom, and that it was not made up. When interviewed by the Panel, former T/DCI Noel Beswick stated, '*I am sure that we had intelligence*' and that a record of it had been made.[959]

There is no record of this intelligence among the papers seen by the Panel. The Metropolitan Police told the Panel, after searching their systems at the Panel's request, that they have no record of this intelligence.[960] However, the Panel has no evidence that DC Linfoot and former T/DCI Beswick did not believe that the intelligence existed.

The statement by DC Linfoot appears to have been calculated to pressurise Person J5 to give evidence.

566. During this visit to Person J5's home, DS Danny Dwyer mentioned the name Gary Eaton, as recorded in the following transcript:

DS Danny Dwyer	*'As Caroline says we are talking* [sic] *a lot of people and I can let you know some information have you ever heard of a name Gary Eaton?'*
[Person J5]	*'He had a friend called Gary but I don't know his surname'*
DS Danny Dwyer	*'Gary is my friend now and Gary has been telling me lots of things'*
[Person J5]	*'Is he a great big guy?'*
DS Danny Dwyer	*'Yeah, Gary has been telling me lots of things* […]'[961]

DS Danny Dwyer then told Person J5 that her evidence would form part of a picture made from several witnesses' evidence.[962]

956 Transcript of covert recording of conversation with Person J5, MPS005411001, p11, 13 April 2007.
957 Transcript of covert recording of conversation with Person J5, MPS005411001, p11, 13 April 2007.
958 Transcript of covert recording of conversation with Person J5, MPS005411001, p14, 13 April 2007.
959 Panel interview with former T/DCI Noel Beswick, Notes of meeting, pp9-10, 11 December 2018.
960 Email from Gary Dalby to DMIP, 24 October 2019.
961 Transcript of covert recording of conversation with Person J5, MPS005411001, p-15-16, 13 April 2007.
962 Transcript of covert recording of conversation with Person J5, MPS005411001, pp15-16, 13 April 2007.

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567. Gary Eaton was an Assisting Offender at the time. In these circumstances, it was inappropriate for a police officer to disclose his name or identity to another witness.

568. DS Danny Dwyer and DC Caroline Linfoot continued to try to persuade Person J5 to give evidence. DC Linfoot said,

> '[w]*e just need to let you know what is going on and we need to make you realise and why we are trying desperately to tell you this, that you only know what threat you pose to him* [James Cook] *and all we are trying to do is make you realise is that if something goes on in the interim period we are stuck and the other thing I would say to you is that he has been described to me as the kind of person if you have an argument with him he will do whatever to drag you into it and not only he may never find you maybe he* […] *might think that you are a threat to him* [...] *he is the kind of person in desperation will do all kinds of things so you need to think* […]*.'*[963]

569. Person J5's daughter then arrived, and Person J5 asked the police to leave, which they did. Person J5 promised to telephone DC Caroline Linfoot on the following Monday.[964] There is no record that she did so.

570. Four days later, on 17 April 2007, DS Danny Dwyer and DC Caroline Linfoot visited Person J5 again. She did not open the door initially but eventually did so, telling them that the only thing she remembered saying about James Cook was: '*I remember saying to you that he didn't do it.*'[965] She said that anything she had said '*has been gossip all over the years*'.[966]

571. The Abelard Two Investigation had become aware that the Surrey Police Financial Investigations Unit had begun to investigate Person J5 in respect of possible fraud offences. The Abelard Two Investigation also became aware that '[Person J5] *may have been with Jimmy COOK when he planted drugs in a car a few years ago*'.[967]

572. On 26 April 2007, DCS David Cook recorded a decision that '[n]*o further contact shall be made with* (Person J5) *to recruit her as a witness in the Daniel Morgan investigation until such time as the current criminal allegations against her have been investigated*'.[968] The log recorded that Person J5 had refused to make a statement despite repeated attempts to persuade her to do so.[969]

573. Abelard Two Investigation records show that on 05 June 2007 Surrey Police were continuing to investigate Person J5 for multiple fraud offences, and that this may present '*an opportunity for us to speak to her again about her coming on board with us*'.[970]

963 Transcript of covert recording of conversation with Person J5, MPS005411001, pp17-18, 13 April 2007.
964 Transcript of covert recording of conversation with Person J5 OOD, MPS005411001, p19, 13 April 2007.
965 Transcript of covert recording of conversation with Person J5, MPS006152001, p4, 17 April 2007.
966 Transcript of covert recording of conversation with Person J5, MPS006152001, p5, 17 April 2007.
967 Message M657, Person J5 may have been with James Cook when he planted drugs in a car a few years ago, MPS066376001, 16 April 2007.
968 Decision 24, Decision Log by DCS David Cook, MPS080599001, p1, 26 April 2007.
969 Decision 24, Decision Log by DCS David Cook, MPS080599001, p1, 26 April 2007.
970 Minutes of office meetings, MPS071803001, p51, 05 June 2007.

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574. DCS David Cook was informed by Surrey Police on 03 August 2007 that Person J5's home had been searched by officers from Surrey Police under the Proceeds of Crime Act. This related to their ongoing investigation of alleged multiple fraud offences by Person J5.[971] Surrey Police had '*found several bits of paper that* [Person J5] *had written re what to say to police*'.[972] These documents were examined but did not add any information to assist the investigation of Daniel Morgan's murder.

575. DC Caroline Linfoot spoke to Person J5 later that day, 03 August 2007, telling her that the Surrey Police investigation was separate from the Daniel Morgan investigation and that the Metropolitan Police still wished to talk to her. DC Linfoot also said to Person J5 that DCS David Cook may well start investigating a robbery at Asda (a supermarket) that had occurred on 04 March 1998. Person J5 is reported to have responded '[i]*t's got nothing to do with me, as far as I know Jimmy went there to do his shopping at midnight* [...] *How was I to know what was going to happen?'*[973] There was no discussion of whether Person J5 might be interested in becoming an Assisting Offender under the Serious Organised Crime and Police Act 2005, nor did Person J5 raise the possibility that she might assist the investigation of Daniel Morgan's murder as an Assisting Offender.

576. DC Caroline Linfoot then wrote to Person J5 on 07 August 2007: '*Further to our discussion on Friday, could you get your solicitor to contact either myself or Det Chief Supt COOK as soon as possible so that they can be made aware of the SOCPA* [Serious Organised Crime and Police Act 2005] *legislation that you may wish to consider in the near future*.'[974] Person J5's solicitor contacted the Abelard Two Investigation team to discuss the possibility of Person J5 assisting the investigation on 10 August 2007. He stated that he would speak to his client to obtain further instructions.[975]

577. Abelard Two Investigation office meeting minutes of 02 October 2007 record that, following a meeting with the Crown Prosecution Service, the pursuit of Person J5 as a witness was to take lower priority than other lines of enquiry.[976]

6.8.1 Risk assessment and arrest of Person J5

578. It was decided to investigate the armed robbery, which had occurred at the Asda store in Burgh Heath, Surrey, on 04 March 1998,[977] during which the sum of approximately £360,000 had been stolen (see paragraph 575 above). The matter had been investigated by the Metropolitan Police Flying Squad and closed, with no suspects having been identified, on 28 August 1998. Intelligence available to the Metropolitan Police indicated that police officers involved in the investigation may have been 'paid off' by James Cook.[978] It had been alleged that James Cook was involved in the robbery. Person J5 had been living with James Cook at the time of the robbery, and there was consideration of whether to arrest Person J5 for suspected involvement in the robbery.[979,980]

971 Record of contact with Person J5, MPS005395001, p16, 03 August 2007.
972 Record of contact with Person J5, MPS005395001, p16, 03 August 2007. Other Document D1485, a copy of the, *'bits of paper'*, was created as Abelard II, MPS103579001 31 August 2007.
973 Disclosure document, CLA000017001, p1, undated.
974 Letter to Person J5 re SOCPA legislation, MPS005397001, p2, 07 August 2007.
975 Message M872 re phone call from Person J5's, solicitor, MPS005420001, p1, 10 August 2007.
976 Minutes of office meetings, MPS071803001, p58, 02 October 2007.
977 Intelligence profile in respect of Person J5, CLA000019001, p1, 07 November 2007.
978 Officer's Report, EDN000585001, p3, para 19, 03 July 2009.
979 Charging Advice Sought in Relation to the Robbery of Asda Supermarket, Burgh Heath, 1998, EDN000128001, p1, para 1; pp11-12, paras 56 & 58; & pp7-8, para 38, undated.
980 Minutes of Office Meetings, MPS071803001, p58, 02 October 2007.

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579. Former DCS David Cook told the Panel in interview that '*with Surrey Police we started to investigate* [Person J5] *and her boyfriend's criminality, with the views of prosecuting them. And then* [Person J5] *might think twice, because there's SOCPA* [Serious Organised Crime and Police Act 2005] *legislation is available to you, right. The fact is that you're under investigation, you're under prosecution. So, you put pressure on them like that. You say, "Well there's a SOCPA legislation, how do you fancy coming on board now"? That's pressure. But that's legitimate pressure in many ways, because there's nothing to stop us from doing that.*'[981]

580. On 22 October 2007, a risk assessment was carried out in preparation for the arrest of Person J5.[982] The reasons given for the arrest included the fact that '[e]*xecuting this arrest enquiry is necessary to support and corroborate witnesses in the murder of Daniel MORGAN*'.[983] On 07 November 2007, Person J5 and two other people were arrested by DC Caroline Linfoot. As is normal in such circumstances, Person J5's fingerprints and DNA were taken.[984] Person J5's interview lasted 20 minutes.[985] Person J5 did not answer any questions.[986] The Custody Record includes a custody risk assessment of Person J5 which indicates clearly that Person J5 was a vulnerable person.[987] Person J5 was released on bail. On 14 January 2008, T/DCI Noel Beswick authorised no further action against the suspects as there was no further evidence.[988] DC Linfoot obtained consent from T/DCI Beswick on 14 January 2008 to visit Person J5 at her home address to inform her that there would be no further action against her in relation to the armed robbery.[989]

581. Former DCS David Cook was asked at interview about the sustained pressure applied by the Abelard Two Investigation to Person J5, who was described to him by the Panel as being '*a very reluctant witness, that* [Person J5] *was emotionally vulnerable, that* [Person J5] *was being put under a lot of pressure by you and your team to give evidence that she didn't want to give*'. Former DCS Cook replied, '*Absolutely. Absolutely*.' Shortly afterwards former DCS Cook said, '[w]*hen we were dealing with* [Person J5]*, there was nothing to indicate that* [Person J5] *was vulnerable*'.[990] In January 2021, former DCS Cook provided further detail on the use of Person J5 by the Abelard Two Investigation, stating that by virtue of her circumstances, Person J5 was vulnerable to an extent but that she had presented herself as a confident person who maintained her position that she did not wish to help the investigation. However, former DCS Cook also told the Panel that being vulnerable did not prevent Person J5 from engaging with the investigation and becoming a witness, only that it necessitated extra measures to support her.

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981 Panel interview of former DCS David Cook, Transcript 4, p8, 25 August 2020.
982 Document D1702, Risk assessment re Person J5, MPS103796001, pp1-6, 22 October 2007.
983 Document D1702, Risk assessment re Person J5, MPS103796001, p5, 22 October 2007.
984 Custody record, DMIP D519, p4, 07 November 2007.
985 Statement of DC Caroline Linfoot, EDN000495001, p77, 21 November 2007.
986 Charging Advice Sought in Relation to the Robbery of Asda Supermarket, Burgh Heath, 1998, EDN000128001, p10, para 51, undated.
987 Custody record, DMIP D519, pp6-7, 07 November 2007.
988 Officer's Report on Person J5, EDN000585001, p3, para 21, 03 July 2009.
989 Meeting person on bail report re Person J5, MPS006140001, p2, 14 January 2008.
990 Panel interview of former DCS David Cook, Transcript 4, pp7-8, 25 August 2020.

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582. Person J5 was, she had repeatedly said, scared and very reluctant to give evidence. On two occasions when police attempted to contact her, she had said that she had fallen over her dog and injured herself. Despite the stated intention of T/DCI Noel Beswick to provide police support, there is no evidence that the Abelard Two Investigation conducted a full risk assessment of Person J5's situation until 2009, despite a growing awareness that she had mental health problems, and despite her frequently articulated fears. She was subjected to sustained and significant pressure to become a witness. The arrest of Person J5 by DC Caroline Linfoot, the officer who was trying to persuade her to give evidence, appears to have been an attempt to put further pressure upon her to give evidence. While there was emerging evidence of her possible involvement in the Asda armed robbery, this matter should have been referred to the Specialist Crime Directorate for investigation. This did not happen.

583. No decision was made at this stage as to whether Person J5 might become a Prosecution witness.

6.9 Person B18

584. In 2006, the Abelard Two Investigation reviewed previous evidence to identify additional witnesses. One of those identified was Person B18.

585. During a meeting on 14 July 1987, Person B18 had provided information about the killing of Daniel Morgan to the Metropolitan Police and had drawn a plan of the location of the killing[991] (see Chapter 1, The Morgan One Investigation).

586. D/Supt Douglas Campbell had recorded that Person B18 was a drug addict who was then on bail for credit card offences. She had said that Daniel Morgan had been in the Golden Lion public house on an un-specified date, when he was apparently trying to discover the identity of a person who had supplied drugs to a client's daughter. She had named two drug dealers and a bodyguard called '*PICKLES*', who were also in the bar at this time. Person B18 had initially said that another named drug dealer had also been in the bar, but later had changed this to one of two drug dealers whom she had originally named. [992]

587. The Morgan One Investigation had made various enquiries to attempt to verify the information given by Person B18. It had been confirmed that one of the drug dealers had been in custody from 16 February 1987, charged with conspiracy to supply heroin.[993] This meant that Person B18's alleged sighting of Daniel Morgan in the Golden Lion public house had occurred at least three weeks before his murder.

588. The Abelard Two Investigation team reviewed the information previously gathered and interviewed Person B18. The interview was recorded on video tape.[994,995,996] On 19 July 2007, the police then took a written statement[997] in which Person B18 formally adopted the content of the

991 Witness statement of a Detective Constable, MPS028054001, p2, 24 October 1988.
992 Message M371, from D/Supt Douglas Campbell, MPS031621001, 26 August 1987.
993 Message M557, from D/Supt Douglas Campbell, MPS018909001, 04 November 1987.
994 Record of interview of Person B18, MPS005775001, 19 July 2007.
995 Record of interview of Person B18, MPS005775001, 19 July 2007.
996 Record of interview of Person B18, MPS005775001, 19 July 2007.
997 Witness statement of Person B18, MPS003047001, 19 July 2007.

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video interview as her statement. Person B18 provided a lot of information about matters other than the murder of Daniel Morgan and provided many names of individuals with whom she had associated, but much of it was vague and some was confused.

589. Person B18 claimed among other things that:

i. she had seen Daniel Morgan in the Golden Lion public house on four or five occasions, but had only spoken to him once;[998]

ii. Daniel Morgan had been trying to find out who had provided drugs to a girl whose father wanted to identify the drugs supplier;[999]

iii. a named individual had approached Daniel Morgan because he was trying to buy drugs in the Golden Lion public house and had introduced Daniel Morgan to the alleged drug dealer;[1000]

iv. Daniel Morgan had visited the alleged drug dealer's house once;[1001]

v. on one occasion she saw Daniel Morgan with a person whom she had heard was called Glenn. She said, '*Glen* [sic] [was] *doing the talking* […] *Glen wasn't happy* […]'.[1002] She identified Glenn as having a brother called Garry;

vi. on the night Daniel Morgan was murdered, he was with Glenn in the Golden Lion public house. When asked to describe Daniel Morgan she said he was quite well built and quite smartly dressed. She was asked if there was anything distinctive about him and stated, '*apart from his watch I always remember the watch*'.[1003] She added that she knew that Daniel Morgan was investigating something to do '*with the wallpaper shop that was something to do with Glen* [sic]'.[1004]

590. The Abelard Two Investigation sought to verify Person B18's information, asking her for further information and making enquiries, over a long period but were unable to do so.[1005] Their efforts included checking the DNA of one individual whom she had named against the DNA available to the forensic scientists in connection with the murder. In April 2008, Jonathan Rees, barrister, advised that because of the inconsistencies in her evidence she should not be presented as a witness. On 10 December 2010, DI Douglas Clarke recorded that after consultation with the Crown Prosecution Service and Prosecution Counsel it had been decided that she was no longer required as part of the Prosecution case.

591. The evidence provided by Person B18 was extensive, and the Abelard Two Investigation was right to investigate what she had said thoroughly. Ultimately, both the Morgan One Investigation and the Abelard Two Investigation concluded that she was not a credible witness.

998 Record of interview of Person B18, MPS005775001, p8, 19 July 2007.
999 Record of interview of Person B18, MPS005775001, p35, 19 July 2007.
1000 Record of interview of Person B18, MPS005775001, p35, 19 July 2007.
1001 Record of interview of Person B18, MPS005775001, p40, 19 July 2007.
1002 Record of interview of Person B18, MPS005775001, p9, 19 July 2007.
1003 Record of interview of Person B18, MPS075048001, p20, 19 July 2007.
1004 Transcript of interview of Person B18, MPS005775001, p34, 19 July 2007.
1005 Action A1537, MPS067669001, p4, 09 April 2008.

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592. The decision not to treat Person B18 as a witness was reasonable. There were many discrepancies in the evidence which she supplied, she lacked coherence, responded to questions with confusion and was unable to remember relevant facts. Notwithstanding this, the Abelard Two Investigation was right to pursue her information initially because it may have provided evidence relevant to the investigation of Daniel Morgan's murder.

7 Report to the Crown Prosecution Service

593. On 13 June 2007, the Abelard Two Investigation submitted a report to the Crown Prosecution Service seeking advice as to whether five suspects, Jonathan Rees, Glenn Vian, Garry Vian, James Cook and former DS Sidney Fillery, should face criminal charges in connection with the murder of Daniel Morgan.[1006]

594. The report stated that '[...] *the catalyst for reopening the enquiry was the prospect of new evidence from resident informant James WARD*'.[1007] Acknowledging previous decisions that there had been insufficient evidence to prosecute following the Abelard One/Morgan Two Investigation,[1008] the report stated that the investigation:

> *'has uncovered new and compelling evidence some of which places a different emphasis on previously known facts. The new evidence is broadly consistent with the findings on the previous phases of the investigation, it provides a strong motive not previously identified and clarifies the roles each of the suspects undertook. The motives previously submitted as precursor to this crime are still perfectly valid, particularly in respect of REES, they become a secondary, "welcome by-product" to the main motive.'*[1009]

7.1 Witness evidence addressed in the report

595. The report stated that two new witnesses, James Ward and Gary Eaton, had provided evidence that Glenn Vian, Garry Vian and James Cook were involved in the murder of Daniel Morgan, that Jonathan Rees had commissioned the murder, that former DS Sidney Fillery had been involved in covering it up, and that the evidence corroborated that of witnesses in earlier investigations, particularly that of Person F11.[1010] It then stated that the further evidence obtained by the Abelard Two Investigation had '*answered some of the sufficiency of evidence difficulties outlined in the* [Abelard One/Morgan Two Investigation legal] *advice*'.[1011] It stated the following:

1006 Abelard Two Report, by DCS Dave Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p363, 13 June 2007.
1007 Abelard Two Report, by DCS Dave Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p180, 13 June 2007.
1008 Abelard Two Report, by DCS Dave Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p179, 13 June 2007.
1009 Abelard Two Report, by DCS Dave Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p8, 13 June 2007.
1010 Abelard Two Report, by DCS Dave Cook [Advice file: R.v.Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p15, 13 June 2007.
1011 Abelard Two Report, by DCS Dave Cook [Advice file: R.v.Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p179, 13 June 2007.

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'The new witnesses identified by Operation Abelard II do not confirm whether or not REES commissioned the murder. They do confirm that Glenn VIAN physically killed Daniel MORGAN in the manner described and the involvement of James COOK and his presence at the scene. They also provide evidence of Garry VIAN's involvement and presence at the scene. In addition, Gary EATON provides evidence supporting the involvement of FILLERY and REES.'[1012]

596. The report acknowledged that a substantial part of Person F11's evidence had been published in a book[1013] and attributed to him.[1014] Such publication obviously had the potential to impact negatively on any information offered by a witness after its publication. It acknowledged that much of the information provided by James Ward was also in the public domain.[1015]

597. It was conceded that there was little evidence from the time to support directly Gary Eaton's allegations of James Cook's, Jonathan Rees's and DS Sidney Fillery's involvement in the illegal drugs trade. Intelligence had been gleaned from covert monitoring which indicated a propensity by former DS Sidney Fillery and Jonathan Rees to obtain information illegally from police computer systems and evidence of both men associating with persons involved in the illegal drugs trade.[1016]

598. The report said that Gary Eaton had identified where he parked his car in the car park of the Golden Lion public house and where he had said that he and Tony Airey[1017] had sat when they went into the bar.[1018]

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1012 Abelard Two Report, by DCS David Cook [Advice file: R.v.Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p15, 13 June 2007.
1013 *UNTOUCHABLES, Dirty cops, bent justice and racism in Scotland Yard,* by Michael Gillard and Laurie Flynn, 2004.
1014 Abelard Two Report, by DCS David Cook [Advice file: R.v.Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p257, 13 June 2007.
1015 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p224, 13 June 2007.
1016 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p235, 13 June 2007.
1017 Gary Eaton's friend.
1018 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp237-238, 13 June 2007.

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599. This did not reflect the inconsistencies in evidence available to the police. A police review of Gary Eaton's evidence suggested that he had placed his car in three different positions in the car park.[1019] The second position, described as '*behind the brick building*' was not possible when examined against scene photographs and the original sketch of the car park.[1020] An analysis document on Gary Eaton's debrief recorded that, '[d]*uring his de-brief* [Gary Eaton] *describes a number of possible locations where he and AIREY were seated*'.[1021]

Moreover, the Abelard Two Investigation had established that Gary Eaton knew that Tony Airey was dead, and that although he (Gary Eaton) had said that Tony Airey's wife was also dead, she was still alive. The Abelard Two Investigation had also been unable to find any evidence to corroborate the suggestion that Gary Eaton and Tony Airey had been in the Golden Lion public house on the night of the murder.

600. The report said that on 12 February 2007, Gary Eaton had attended an '*ID parade*' where present-day likenesses of Glenn Vian and Garry Vian had been viewed. The report stated that Gary Eaton had failed to identify the Vian brothers but that he '*afterwards informed the de-brief officers that he thought the appropriate numbers were the brothers*',[1022] adding he had not wanted to say so in case he made a mistake. The report said that a statement about this had been requested from DS Anthony Moore. The report stated that the police were attempting to locate useable photographs of the Vian brothers taken around the date of Daniel Morgan's murder to complete another '*ID parade*'.[1023]

601. The report nevertheless concluded that '*Scott*' and '*Glenn*', as described in Gary Eaton's statement, were '*undoubtedly*' the brothers Glenn Vian and Garry Vian, despite the difficulties he had in identifying them.[1024]

602. There was no justification for the definitive conclusion that '*Scott*' and '*Glenn*' were '*the brothers*' Glenn Vian and Garry Vian, or that Gary Eaton was telling the truth when he said he had seen them at the murder scene on the night of the murder.

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1019 Report collating movements and accounts of individuals from the Golden Lion public house on 10.03.1987, MPS008484001, p13, undated.
1020 Report collating movements and accounts of individuals from the Golden Lion public house on 10.03.1987, MPS008484001, p13, undated.
1021 Summary of analysis debriefs in relation to Morgan, MPS102820001, p2, undated.
1022 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p240, 13 June 2007.
1023 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p240, 13 June 2007.
1024 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p240, 13 June 2007.

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603. The report provided a comprehensive account of the evidence provided over the years by other witnesses, including Person S15,[1025] Kevin Lennon,[1026] Person P9,[1027] former Police Officer N21,[1028] Paul Goodridge,[1029] Margaret Harrison,[1030] and evidence provided by witnesses at the Golden Lion public house on the night of the murder implicating the suspects.[1031]

604. The report addressed the visit to the Golden Lion public house on 09 March 1987 by DS Sidney Fillery and members of the Catford Crime Squad, and the presence of Daniel Morgan and Jonathan Rees on the night of 09 March 1987:

> *'Circumstantially the events of Monday 9th March 1987 cannot be discounted. The evidence shows it is unusual for REES let alone MORGAN to visit The Golden Lion, yet they did drink there on two consecutive nights.'*[1032]

605. In a report of further evidence submitted to the Crown Prosecution Service in December 2007, it was stated that:

> *'Sidney FILLERY clearly contrived the meeting at the Golden Lion on 9th March 1987. He solicited the crime squad to attend by announcing his intentions to go there after the debrief of the Clapton murder. Fillery specifically left the bar and brought back Daniel MORGAN and William Jonathan REES from their usual haunt, the Dolphin Public House to the Golden Lion that night.* […]
>
> *'The timing of the meeting above and the timing of the murder is particularly worth mentioning as Sidney FILLERY had just completed one murder enquiry so his team were albeit [sic] guaranteed to be seconded to the MORGAN enquiry. Had the murder occurred in the normal public houses (Thornton Heath) frequented by MORGAN then Sidney FILLERY would not have been seconded to the investigative team. If FILLERY was to assist his close friend then the importance attached to his availability cannot be understated.'* [1033]

7.2 Forensic and technical evidence

606. The report articulated concerns about missing exhibit books; the lack of documentary continuity; and the fact that the way in which the exhibits seized during the Morgan One Investigation had been preserved and packaged did not appear to have been done in a manner likely to preserve DNA for future analysis. The report stated, '[s]*tandards of preservation of the*

1025 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp244-248, 13 June 2007.
1026 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp248-254, 13 June 2007.
1027 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp254-256, 13 June 2007.
1028 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp258-262, 13 June 2007.
1029 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp277-279, 13 June 2007.
1030 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p281, 13 June 2007.
1031 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp267-270, pp273-276, pp279-283, pp285-288, pp293-294, pp296-297, p300 13 June 2007.
1032 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p358, 13 June 2007.
1033 Report to the Crown Prosecution Service regarding further evidence against Sidney Fillery in the murder of Daniel Morgan, MPS072381001, p7, paras 20-21, 18 December 2007.

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exhibits in 1987 were entirely different to today's standards. Therefore, many of the exhibits were not packaged in accordance within the current expectations. DNA was in its infancy and revolved around blood grouping.'[1034]

607. Forensic analysis carried out during the Abelard Two Investigation had not placed any of the suspects at the scene, but further DNA analysis of the axe was in progress at the time of the report.[1035]

608. The evidence from the covert monitoring had provided no clear evidence implicating either Glenn Vian or Garry Vian in Daniel Morgan's murder, although there were a substantial number of tangential, potential or actual references to Daniel Morgan's murder captured in the probes which, the report argued, provided a picture which suggested their potential involvement.[1036] This evidence was used to support the case against Glenn Vian (see section 5.1 above).

609. The report analysed the case against each of the five Defendants.

7.3 The case against Glenn Vian

610. The report noted:

i. James Ward, Gary Eaton and Person F11 were the main providers of information against Glenn Vian, naming him as the man who murdered Daniel Morgan. [1037]

ii. There was evidence of Glenn Vian's propensity for violence as obtained from probe evidence.[1038] The report also noted that the evidence contained in the probe material gathered from 1999, 2002, and 2006 deployments, '*clearly supports the evidence of key witnesses that Glenn VIAN was involved with others in the murder of Daniel MORGAN*'.[1039]

iii. Glenn Vian reacted to media coverage about the case and whenever anyone else was arrested, Glenn Vian was concerned that they might implicate him.[1040]

iv. Glenn Vian had not disclosed a credible alibi in the probes.[1041]

v. Glenn Vian could not be eliminated by DNA evidence, nor could he be implicated. He had expressed concerns that the police or Jonathan Rees might plant his DNA.[1042]

1034 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp183-185, 13 June 2007.
1035 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp185-192, 13 June 2007.
1036 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp192-218, 13 June 2007.
1037 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p344, 13 June 2007.
1038 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p346, 13 June 2007.
1039 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p347, 13 June 2007.
1040 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p347, 13 June 2007.
1041 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p348, 13 June 2007.
1042 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p348, 13 June 2007.

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vi. Glenn Vian had attended the Royal Courts of Justice with Jonathan Rees on 05 March 1987 (five days prior to Daniel Morgan's death) in connection with the civil claim against Southern Investigations for loss of takings from the Belmont Car Auctions (see Chapter 1, The Morgan One Investigation), and they had told the lawyer representing Southern Investigations that they were going to the Golden Lion public house after the proceedings that day.[1043]

7.4 The case against Garry Vian

611. The report noted:

i. James Ward and Gary Eaton had provided direct evidence that Garry Vian was present at the scene.[1044]

ii. James Ward had stated, however, that Garry Vian had said that he was in a separate car, whereas Gary Eaton stated that he was in the same car as James Cook.[1045]

iii. According to James Ward, Garry Vian had said that the motive for the murder was an affair with a woman identified as Margaret Harrison.[1046]

iv. Person S15 had stated that Garry Vian had told him that Daniel Morgan was murdered because he was investigating Garry Vian for drugs.[1047]

7.5 The case against James Cook

612. The report noted:

i. Gary Eaton, Person F11 and Person S15 all provided evidence that James Cook was the driver of the car used by those involved in the murder.[1048] The report also cited probe evidence from the Abelard One/Morgan Two Investigation.[1049]

7.6 The case against Jonathan Rees

613. The report noted:

i. Jonathan Rees had '*more motive than most*' for wanting Daniel Morgan killed. It referred to the Belmont Car Auctions robbery, Jonathan Rees's affair with Margaret Harrison and Jonathan Rees's alleged involvement with DS Sidney Fillery and James Cook in drug crime.[1050]

1043 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p348, 13 June 2007.
1044 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p349, 13 June 2007.
1045 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p349, 13 June 2007.
1046 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p349, 13 June 2007.
1047 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p349, 13 June 2007.
1048 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p352, 13 June 2007.
1049 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p353, 13 June 2007.
1050 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp354-355, 13 June 2007.

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ii. Kevin Lennon had said that Jonathan Rees arranged to have Daniel Morgan killed and Jonathan Rees asked Kevin Lennon to assist.[1051]

iii. There was a possibility that the murder had originally been planned for 09 March 1987.[1052]

iv. It argued that Jonathan Rees had brought Daniel Morgan to his death at the Golden Lion public house on 10 March 1987.[1053]

v. Paul Goodridge had not attended the Golden Lion public house on 10 March 1987 and had denied that any meeting had been arranged.[1054]

vi. Jonathan Rees had lied about his movements on 10 March 1987, had withheld key information in his first statement to the Morgan One enquiry, and had subsequently fed inaccurate information into the Morgan One enquiry.[1055]

vii. Probe evidence indicated that Jonathan Rees had access to police computers and that, among other activities, on one occasion he had warned the Vians that Glenn Vian and James Cook were potentially under police surveillance.[1056]

7.7 The case against former DS Sidney Fillery

614. The report noted:

i. The events of Monday 09 March 1987 were important in the case against former DS Sidney Fillery.[1057] The report discussed the circumstances of the meeting at the Golden Lion public house the night before the murder, along with other significant meetings including a meeting at the Prince of Wales public house on 13 March 1987.[1058]

ii. Gary Eaton had said that he had been threatened by DS Fillery and told not to speak of the murder. The report noted that many allegations relating to former DS Fillery's wider, drug-related crime could not be proven, nor could they be discounted.[1059]

615. The report stated:

> *'The new evidence is primarily from two resident informants and it is appreciated that many difficulties exist when relying on such persons at trial. However a great deal of effort has been directed at verifying their accounts and their criminal history,*

1051 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p355, 13 June 2007.
1052 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p356, 13 June 2007.
1053 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p356, 13 June 2007.
1054 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p357, 13 June 2007.
1055 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp357-358, 13 June 2007.
1056 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p358, 13 June 2007.
1057 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p358, 13 June 2007.
1058 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p359, 13 June 2007.
1059 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p360, 13 June 2007.

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the majority of their respective accounts has been corroborated and significant extra charges have been preferred against them. [...]

'The evidence provided by WARD and EATON tends to support each other and is further supported by [Person S15]*,* [Person F11] *and others. Their evidence is consistent with the previously established facts albeit they provide for a different interpretation as to a primary motive'.*[1060]

The report concluded: '[i]*t is considered that the evidence obtained in this case is stronger in respect of conspiracy to murder against all parties rather than against any individual'.*[1061]

616. The police file contained no information about the various breaches of the sterile corridor between the debrief of Gary Eaton and the Abelard Two Investigation, which had occurred prior to June 2007, many of which had involved DCS David Cook. This omission meant that the evidence could not be properly assessed by Counsel. The breach of the sterile corridor significantly compromised the credibility of the evidence obtained by the Abelard Two Investigation.

617. The Crown Prosecution Service asked Jonathan Rees, barrister (who, with Orlando Pownall QC, had advised in 2003 that there was insufficient evidence to prosecute Jonathan Rees, Glenn Vian or James Cook with any offence related to the murder of Daniel Morgan),[1062] to consider the contents of the Abelard Two advice file, together with certain other documents, and advise on whether charges should be brought against any, or all, of the proposed suspects.[1063]

7.8 Advice by Counsel on the evidence submitted prior to the arrests in April 2008

618. The report which Jonathan Rees, barrister, received did not contain any reference to any unauthorised contact between DCS David Cook and any of the witnesses. Accordingly, the file was incomplete and misleading.

619. Having received the report to the Crown Prosecution Service, Jonathan Rees, barrister, sought further information and had meetings with the Abelard Two Investigation, as a consequence of which he received further material and a further report and accompanying material in relation to former DS Sidney Fillery.

620. Jonathan Rees, barrister, assessed the credibility of the new proposed witnesses, James Ward, Gary Eaton, Person S15 and Person X8, and considered the extent to which the evidence of these and other witnesses was corroborative.

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1060 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, p342, 13 June 2007.
1061 Abelard Two Report, by DCS David Cook [Advice file: R.v. Glenn Vian, Garry Vian, James Cook, William Rees & Sidney Fillery], MPS103338001, pp362-363, 13 June 2007.
1062 Crown Prosecution Service Advice by Orlando Pownall QC and Jonathan Rees re Operation Morgan II, MPS109438001, undated.
1063 Counsel Advice by Jonathan Rees, MPS109700001, p4, para 1.2, 15 April 2008.

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7.8.1 Advice in respect of James Ward

621. In respect of James Ward, Jonathan Rees, barrister, noted that on the basis of the information which he had received, the following:

i. There were discrepancies in the development of James Ward's evidence, including differing accounts given by him in 1999, that he had no significant knowledge of the murder, and in 2006 when he gave an account of how Glenn Vian admitted killing Daniel Morgan.[1064]

ii. William Newton had given different versions of his conversation with James Ward about Daniel Morgan's murder in 1999 and 2002, and James Ward was disputing William Newton's story.[1065]

iii. There were differences between the account given verbally by James Ward in January 2006 of how Glenn Vian had admitted killing Daniel Morgan and his subsequent statement.[1066]

iv. James Ward had admitted lying on oath during his trial in 2005, and his relationship with Glenn Vian and Garry Vian had soured during that trial, and it could be suggested that this provided him with a motive to falsely incriminate them.[1067]

v. There could be little doubt that the main reason why James Ward assisted the Abelard Two Investigation was the prospect of a significant reduction in his prison sentence, which might have some impact on his credibility as a witness.[1068] James Ward had previously provided evidence against others to gain such a benefit. He also had a substantial criminal history and had previously denied knowledge of Daniel Morgan's murder.

vi. However, Jonathan Rees, barrister, said that James Ward had '*on the whole, provided a coherent and consistent account in the course of the debriefing procedure*'.[1069] He also noted that support for his account could be found in other potential new witnesses[1070] and the probe evidence.[1071]

vii. Jonathan Rees, barrister, concluded: '*Taking an overall view of the quality of* [James Ward] *as a potential witness, I agree with the police assessment of him at paragraph 873 of the report where it is stated that "evidence from* [James Ward] *in isolation is unlikely to be sufficient to prosecute this case".*'[1072]

622. James Ward was listed as a witness for the forthcoming trial.

1064 Counsel Advice by Jonathan Rees, MPS109700001, p61, 15 April 2008.
1065 Counsel Advice by Jonathan Rees, MPS109700001, pp59-60, 15 April 2008.
1066 Counsel Advice by Jonathan Rees, MPS109700001, p61, 15 April 2008.
1067 Counsel Advice by Jonathan Rees, MPS109700001, p58, 15 April 2008.
1068 Counsel Advice by Jonathan Rees, MPS109700001, p57, 15 April 2008.
1069 Counsel Advice by Jonathan Rees, MPS109700001, p62, para 5.2.4 (a), 15 April 2008.
1070 Counsel Advice by Jonathan Rees, MPS109700001, p62, para 5.2.4 (b), 15 April 2008.
1071 Counsel Advice by Jonathan Rees, MPS109700001, p62, para 5.2.4 (c), 15 April 2008.
1072 Counsel Advice by Jonathan Rees, MPS109700001, p63, para 5.2.5, 15 April 2008.

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7.8.2 Advice in respect of Gary Eaton

623. Jonathan Rees, barrister, had considerable reservations about Gary Eaton even before he became aware of the extent of the contact which had occurred between DCS David Cook and Gary Eaton. He noted, on the basis of the information which he had received, the following:

i. Gary Eaton was a free man, not currently under investigation, who would not have been convicted had he not admitted fully and freely his criminal activities.[1073]

ii. It seemed that he had offered to give evidence because James Cook had recently threatened him and had visited Person G23's place of work to ensure that Gary Eaton did not tell police what he knew about the murder of Daniel Morgan. There was also a suggestion that James Cook had made a lot of money through his and Gary Eaton's joint criminal activity, and James Cook had involved Gary Eaton's son in drug-dealing.[1074]

iii. There were a considerable number of inconsistencies and contradictions in Gary Eaton's evidence.[1075] When comparing Gary Eaton's final account of events and the transcripts of early meetings, his story changed significantly in a number of important respects such as his reason for contacting Michael Sullivan of *The Sun* newspaper (see paragraphs 312-313 above), his initial claim that he did not know who was responsible for the murder, and how he had acquired knowledge of the murder.[1076]

iv. There were numerous instances of Gary Eaton seeking to postpone discussion of certain topics.[1077]

v. There were aspects of the debriefing process which were likely to be raised during cross-examination of Gary Eaton. For example, on 01 November 2006, Gary Eaton had said that he '*had a discussion with Dave COOK's team…quite a lot of discussions yeah off tape*'.[1078] He continued, '*I mean a lot of that was in cars, driving up and down the bloody motorway here there and everywhere you know what I mean.*'[1079] On 17 January 2007, Gary Eaton had said, '[t]*hat's what I'm saying, that Investigation Team, a lot of them discussions we had should never have happened*'.[1080]

vi. On 19 October 2006, '*one of the debriefing officers let slip that the person* [that Gary Eaton] *had referred to as Scott* […] *was, in fact, called Gary* [sic]'.[1081]

vii. The account given by Gary Eaton that he was invited to the Golden Lion public house by James Cook to guarantee his silence by indirectly involving him in the events of 10 March 1987 and/or warning him that the same fate might befall him, had the potential to undermine Gary Eaton's credibility for a number of reasons, including the fact that it was difficult to see why James Cook should use such a complicated way of trying to ensure Gary Eaton's silence, and it gave Gary Eaton more information to use against James Cook if he chose to do so.[1082]

1073 Counsel Advice by Jonathan Rees, MPS109700001, p63, para 5.3.1, 15 April 2008.
1074 Counsel Advice by Jonathan Rees, MPS109700001, pp64-65, para 5.3.3 (a)- (c), 15 April 2008.
1075 Counsel Advice by Jonathan Rees, MPS109700001, pp65-70, 15 April 2008.
1076 Counsel Advice by Jonathan Rees, MPS109700001, pp65-67, para 5.3.5 (a)-(c), 15 April 2008.
1077 Counsel Advice by Jonathan Rees, MPS109700001, pp68-69, para 5.3.5 (g), 15 April 2008.
1078 Counsel Advice by Jonathan Rees, MPS109700001, pp69-70, para 5.3.5 (i), 15 April 2008.
1079 Counsel Advice by Jonathan Rees, MPS109700001, pp69-70, para 5.3.5 (i), 15 April 2008.
1080 Counsel Advice by Jonathan Rees, MPS109700001, pp69-70, para 5.3.5 (i), 15 April 2008.
1081 Counsel Advice by Jonathan Rees, MPS109700001, pp69-70, para 5.3.5 (i), 15 April 2008.
1082 Counsel Advice by Jonathan Rees, MPS109700001, pp70-71, para 5.3.6, 15 April 2008.

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viii. Commenting on the video made on the occasion when Gary Eaton visited the Golden Lion public house with members of the debriefing team on 15 November 2006, Jonathan Rees, barrister, said that it was likely that this would be used as a basis for suggesting that Gary Eaton had been involved in the plan to kill Daniel Morgan, and that his involvement formed a significant part of his motivation for coming forward when he did.[1083]

ix. However, his account was supported by other witnesses, especially James Ward, Person S15 and Person X8.[1084]

x. Gary Eaton was '*a relatively promising prospect as a witness notwithstanding his appalling criminal history*',[1085] but he was '*not a very impressive witness and one would not consider charging any person were his evidence effectively to stand alone or with weak support*'.[1086]

xi. In the document prepared for the judge sentencing Gary Eaton, DCS David Cook stated that '*I have been able to verify a substantial amount of the information provided by Gary* [Eaton] *during the course of his debrief. I can find no evidence or information which at this time would undermine anything he has admitted to or would suggest in any way that he has not been fully truthful.*'[1087] Jonathan Rees, barrister, said that he had been told that DCS Cook '*stands by this statement*'.[1088]

624. DCS David Cook's statement that he could find no evidence to suggest that Gary Eaton had not been fully truthful is demonstrably untrue. DCS Cook knew by the time of this statement that Gary Eaton had not been fully truthful. For example, he had initially said that he did not know who murdered Daniel Morgan, and that he did not know anything about the men whom DCS Cook had referred to as '*the brothers*'. However, his evidence later recorded that he had been present at the scene of the murder, after Daniel Morgan had died, and that Glenn Vian had murdered Daniel Morgan and that Garry Vian had also been there.

In January 2021, former DCS Cook told the Panel that any statement made by him throughout these matters has been made in the honest belief that it was true and accurate.

625. Gary Eaton was listed as a witness for the forthcoming trial.

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1083 Counsel Advice by Jonathan Rees, MPS109700001, p71, para 5.3.7, 15 April 2008.
1084 Counsel Advice by Jonathan Rees, MPS109700001, p64, para 5.3.2 (a), 15 April 2008.
1085 Counsel Advice by Jonathan Rees, MPS109700001, p63, para 5.3.1, 15 April 2008.
1086 Counsel Advice by Jonathan Rees, MPS109700001, pp71-72, para 5.3.9, 15 April 2008.
1087 Counsel Advice by Jonathan Rees, MPS109700001, p64, para 5.3.2 (d), 15 April 2008.
1088 Counsel Advice by Jonathan Rees, MPS109700001, p64, para 5.3.2 (d), 15 April 2008.

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7.8.3 Advice in respect of Person S15

626. In respect of Person S15, Jonathan Rees, barrister, noted, on the basis of the information which he had received, the following:

i. In his statement of November 2006, Person S15 had said that Garry Vian was concerned that James Cook '*could become an informant against them* [the other Defendants] *as* [James] *Cook was only involved as the driver'.*[1089] This was significant because it was partly supported by evidence from the probe material, which indicated, for example, that in August 1999, Jonathan Rees and Glenn Vian had been concerned about James Cook being an informant.[1090]

ii. Person S15's statement was consistent with information provided by other witnesses '*although the evidence regarding the apparent motive for the murder is not all one way*'.[1091]

iii. Despite his interest in the £50,000 reward, Person S15's relative lack of involvement in criminal activity meant that there was apparently not a great deal of material which would undermine his credibility.[1092]

627. Person S15 was listed as a witness for the forthcoming trial.

628. In a later, related, High Court case (see Chapter 9, Post-Abelard Two), Mr Justice Mitting found that Person S15's evidence '*was admissible evidence of participation in murder by Garry Vian. It was suggested to* [A/DCI Noel] *Beswick that because of the circumstances and the place in which* [Person S15] *lived, it would not have been possible to secure his attendance at trial. Beswick refuted that suggestion, because* [Person S15] *had voluntarily come to the United Kingdom to sign his witness statement. I accept that evidence and see no reason to doubt that he would have been willing to give evidence at trial, either in person or by live link under s32 Criminal Justice Act 1988.*'[1093]

7.8.4 Advice in respect of Person X8

629. In respect of Person X8, Jonathan Rees, barrister, noted, on the basis of the information which he had received, the following:

i. Person X8 had an appalling criminal record and was serving a total sentence of 15 years' imprisonment for offences involving robbery, firearms and manslaughter.[1094]

ii. Person X8 had said in a statement made in February 1989 that he had not known Daniel Morgan and that there was nothing he could say that would assist the police.[1095]

iii. Person X8 was '*very close to the Vian family and the other suspects in this case* […], *he has chosen not to embark upon the sort of debriefing process which* [James Ward] *and* [Gary Eaton] *chose. Although, it is difficult to judge whether the suspects know anything that could significantly damage* [Person X8]'s *credibility* […]'.[1096]

1089 Counsel Advice by Jonathan Rees, MPS109700001, p72, para 5.4.1, 15 April 2008.
1090 Counsel Advice by Jonathan Rees, MPS109700001, p72, para 5.4.1, 15 April 2008.
1091 Counsel Advice by Jonathan Rees, MPS109700001, p72, para 5.4.2, 15 April 2008.
1092 Counsel Advice by Jonathan Rees, MPS109700001, p72, para 5.4.2, 15 April 2008.
1093 Ruling of Mr Justice Mitting, MPS109702001, p14, para 58, 17 February 2017.
1094 Counsel Advice by Jonathan Rees, MPS109700001, p73, para 5.5.1, 15 April 2008.
1095 Counsel Advice by Jonathan Rees, MPS109700001, p73, para 5.5.2 (a), 15 April 2008.
1096 Counsel Advice by Jonathan Rees, MPS109700001, p74, para 5.5.3, 15 April 2008.

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iv. Person X8 had not chosen to be debriefed as an Assisting Offender. He did not seek a reduction in his sentence.[1097]

630. Jonathan Rees, barrister, noted that:

i. James Ward had '*told police that Garry Vian had warned him to watch what he said to* [Person X8] *because he (*[Person X8]*) knew things about the Morgan murder*';[1098]

ii. the only thing which Person X8 had to gain from assisting the police was a potential share in the reward money (which he had rejected on 06 August 2003) and '*an element of protection from Glen* [sic] *Vian, Rees and Cook*'.[1099]

631. Person X8 was listed as a witness for the forthcoming trial.

7.8.5 Advice in respect of other witnesses

632. Jonathan Rees, barrister, did not analyse Person F11 or Person P9 as possible witnesses, although he did consider their evidence, as appropriate, when analysing the case against each of the suspects. Of former Police Officer N21, Jonathan Rees, barrister, said that he had a history of giving false evidence and would make '*an extremely poor witness*'.[1100]

7.9 The barrister's consideration of the evidence

633. Jonathan Rees, barrister, then considered the evidence, including evidence from the covert audio recordings, against each of the five Defendants.

634. In respect of Glenn Vian, he wrote the following:

i. Gary Eaton said that he was at the Golden Lion public house on the evening of 10 March 1987 and had seen Daniel Morgan there; that he had later gone into the car park at the request of a man whom he believed was called 'Scott' (Garry Vian) and had seen Glenn Vian in the front passenger seat of a stationary car close to Daniel Morgan's body, that James Cook had been in the driver's seat and that 'Scott' had got into the rear seat.[1101] Gary Eaton had not been able to identify Garry Vian as the person he had called 'Scott', or Glenn Vian, at a recent identification procedure (see paragraph 600 above).

ii. Person F11 had said that James Cook had told him that he (James Cook) had been the driver, and a man called 'Glenn Vines' had committed a murder by striking the victim in the head with an axe. Daniel Morgan had been killed because of an argument between him and Jonathan Rees, and Jonathan Rees had paid for the murder.[1102]

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1097 Counsel Advice by Jonathan Rees, MPS109700001, p75, para 5.5.4(a), 15 April 2008.
1098 Counsel Advice by Jonathan Rees, MPS109700001, p75, para 5.5.4(b), 15 April 2008.
1099 Counsel Advice by Jonathan Rees, MPS109700001, p75, para 5.5.4 (a), 15 April 2008.
1100 Counsel Advice by Jonathan Rees, MPS109700001, pp53-54, para 4.6.8.1, 15 April 2008.
1101 Counsel Advice by Jonathan Rees, MPS109700001, p26, para 4.2.1.2, 15 April 2008.
1102 Counsel Advice by Jonathan Rees, MPS109700001, p28, para 4.2.4.2, 15 April 2008.

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iii. However, Jonathan Rees, barrister, noted that Person F11 was a former drug-supplier who saw James Cook as a rival. He also noted:

a. *In 1999 Person F11 had been convicted of soliciting James Cook's murder. His seven-year sentence had been reduced to five years, after he had provided information about the murder of Daniel Morgan and other matters.*

b. *Person F11 said that he was threatened by James Cook and Glenn Vian that if he ever said anything about the murder, Glenn Vian would kill him and his family.*

c. *There was nothing to suggest that Person F11 was coached in connection with his account.*

d. *He had later claimed he had made this statement under duress and refused to give evidence.*[1103]

iv. James Ward said that Glenn Vian had '*effectively*' admitted to killing Daniel Morgan with an axe for £20,000 or £25,000.[1104]

v. Person X8 had said that Glenn Vian had told him that he was owed £8,000 for the job. Person X8 had said that, weeks later, he had seen Glenn Vian pick up an envelope from Jonathan Rees that contained thousands of pounds and was the final instalment for the murder.[1105]

vi. James Ward had said that the murder of Daniel Morgan had cost significantly less than another proposed murder, because it had occurred many years previously. James Ward had said that Glenn Vian had said that the reward of £50,000 offered by police for information about Daniel Morgan's murder was '*twice the money they got for doing it*'.[1106]

vii. In the covert audio recordings, Glenn Vian had been heard talking about the prospect that he might be linked to the killing through his DNA.[1107]

635. In respect of Garry Vian, Jonathan Rees, barrister, said the following:

i. James Ward had said that Garry Vian admitted to being at the scene of the murder;[1108] that Garry Vian and Glenn Vian had been paid £20,000 or £25,000 for the murder;[1109] and that they had become involved because Jonathan Rees was married to their sister.[1110]

ii. James Ward had said that Garry Vian had said that Daniel Morgan was never going to be threatened, he was always going to be killed.[1111]

1103 Counsel Advice by Jonathan Rees, MPS109700001, p56-57, para 5.1, and p32, para 4.3.1.2(c), 15 April 2008.
1104 Counsel Advice by Jonathan Rees, MPS109700001, p27, para 4.2.2.1, 15 April 2008.
1105 Counsel Advice by Jonathan Rees, MPS109700001, pp27-28, para 4.2.3.1, 15 April 2008.
1106 Counsel Advice by Jonathan Rees, MPS109700001, p27, para 4.2.2.1(a)-(c), 15 April 2008.
1107 Counsel Advice by Jonathan Rees, MPS109700001, pp29-30, para 4.2.5.1(c)-(d), 15 April 2008.
1108 Counsel Advice by Jonathan Rees, MPS109700001, p31, para 4.3.1.1, 15 April 2008.
1109 Counsel Advice by Jonathan Rees, MPS109700001, pp31-32, para 4.3.1.1(c), 15 April 2008.
1110 Counsel Advice by Jonathan Rees, MPS109700001, pp31-32, para 4.3.1.1(b), 15 April 2008.
1111 Counsel Advice by Jonathan Rees, MPS109700001, p33, para 4.3.1.1(f), 15 April 2008.

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iii. Person S15 had said that Daniel Morgan was murdered because he was investigating Garry Vian and others who were involved in drugs.[1112]

iv. Person S15 had said that Garry Vian was present when Daniel Morgan was murdered and was involved in the killing.[1113]

v. Gary Eaton had said that a man he believed was called 'Scott' had told him that James Cook wanted a word with him in the car park, and he followed 'Scott' outside and saw him getting into the car with Glenn Vian and James Cook.[1114]

vi. However, James Ward recalled Garry Vian saying that he drove the second car on the night of the murder,[1115] contradicting what Gary Eaton said about 'Scott' getting into the car with Glenn Vian and James Cook.[1116]

vii. Person X8 had said that Garry Vian was not involved (but then went on to cast doubt as to whether this was a genuine comment).[1117]

636. In respect of Jonathan Rees, he said the following:

i. Jonathan Rees had been recorded on 05 July 1999 saying that '[t]*he coup the Met had was to get Kev Lennon on their side*'. On 18 August 1999, Jonathan Rees was recorded asking former DS Alec Leighton to persuade Kevin Lennon to say that he had been put under pressure to make a statement and had been threatened with a long time in prison if he did not do so. They discussed offering Kevin Lennon a '*few grand*' to do this for the purposes of Jonathan Rees's civil action against Hampshire Constabulary but agreed that Kevin Lennon could not be trusted.[1118]

ii. Jonathan Rees had played a part in arranging for Daniel Morgan to be at the Golden Lion public house on the night he was murdered.[1119]

iii. Jonathan Rees had told a number of lies in the various accounts he had given since the murder.[1120]

iv. Gary Eaton had said that Jonathan Rees had been in the bar of the Golden Lion public house on the night of the murder with a woman, had left the bar, returning shortly thereafter and then had left again 20 minutes later, for at least ten minutes, and returned with another man.[1121]

v. Kevin Lennon had provided evidence on 04 September 1987 about how Jonathan Rees had grown to hate Daniel Morgan and had spoken of wanting to kill him. Jonathan Rees had asked Kevin Lennon to find someone to kill Daniel Morgan

1112 Counsel Advice by Jonathan Rees, MPS109700001, pp33-34, para 4.3.2.1(a), 15 April 2008.
1113 Counsel Advice by Jonathan Rees, MPS109700001, pp33-34, para 4.3.2.1(b), 15 April 2008.
1114 Counsel Advice by Jonathan Rees, MPS109700001, p31, para 4.3.1.2, 15 April 2008.
1115 Counsel Advice by Jonathan Rees, MPS109700001, pp33-34, para 4.3.1.1(b), 15 April 2008.
1116 Counsel Advice by Jonathan Rees, MPS109700001, p31, para 4.3.1.2, 15 April 2008.
1117 Counsel Advice by Jonathan Rees, MPS109700001, pp76-77, para 5.6.2(a), 15 April 2008.
1118 Counsel Advice by Jonathan Rees, MPS109700001, p41, para 4.5.5.1, 15 April 2008.
1119 Counsel Advice by Jonathan Rees, MPS109700001, p39, para 4.5.1, 15 April 2008.
1120 Counsel Advice by Jonathan Rees, MPS109700001, pp42-49, para 4.5.6, 15 April 2008.
1121 Counsel Advice by Jonathan Rees, MPS109700001, p39, para 4.5.2.1, 15 April 2008.

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on at least two occasions but had later told Kevin Lennon to forget about this request because he knew police officers at Catford who were capable and willing to organise it.[1122]

vi. Person X8 had said that he had seen Jonathan Rees counting large sums of money from or into a brown envelope which he later handed to Glenn Vian, weeks after Glenn Vian had told Person X8 that he had murdered Daniel Morgan.[1123]

637. In respect of James Cook, Jonathan Rees, barrister, said the following:

i. Gary Eaton's evidence was that James Cook had tried to recruit Gary Eaton to kill Daniel Morgan for all or part of £50,000 and he had refused. James Cook had told Gary Eaton that Daniel Morgan had found out about his (James Cook's) involvement in drugs crime and the involvement of Jonathan Rees and Southern Investigations in laundering the proceeds.[1124]

ii. Gary Eaton's evidence was that he had been at the Golden Lion public house on the night of the murder and had seen James Cook there.[1125]

iii. Person F11 said that James Cook had told him that he was the driver.[1126]

iv. Gary Eaton had said that he had seen James Cook in the car park of the Golden Lion public house when Daniel Morgan was murdered, in a car close to the body of Daniel Morgan. James Cook had winked at Gary Eaton before driving off. Glenn Vian was in the passenger seat.[1127]

v. Person F11 had said that James Cook had told him that the car had been hidden in a garage used by Person P9 and later they had destroyed it.[1128]

vi. Person F11 had said that James Cook had tried to recruit Person F11 to kill Person P9, after Person P9 had found out about the link between the car he had looked after and the murder.[1129]

vii. After Person P9 had been arrested on 03 October 2002, a conversation between James Cook and Person D28 and Person D29 had been recorded, which appeared to be about Person D28 and Person D29 providing James Cook with a false alibi for the night of the murder. Person D28 and Person D29 had subsequently made witness statements on 27 November 2002 providing James Cook with an alibi.[1130] However, Jonathan Rees, barrister, noted that Person P9 had been arrested in connection with the murder on 03 October 2002, and during a lavatory break had told police that on the night of the murder James Cook had met him in a restaurant and told him that he

1122 Counsel Advice by Jonathan Rees, MPS109700001, p40, para 4.5.3.2, 15 April 2008.
1123 Counsel Advice by Jonathan Rees, MPS109700001, p41, para 4.5.4.1, 15 April 2008.
1124 Counsel Advice by Jonathan Rees, MPS109700001, p35, paras 4.4.1.1–4.4.1.2, 15 April 2008.
1125 Counsel Advice by Jonathan Rees, MPS109700001, p35, para 4.4.1.2, 15 April 2008.
1126 Counsel Advice by Jonathan Rees, MPS109700001, p36, para 4.4.2.1, 15 April 2008.
1127 Counsel Advice by Jonathan Rees, MPS109700001, pp35-36, para 4.4.1.2, 15 April 2008.
1128 Counsel Advice by Jonathan Rees, MPS109700001, p36, para 4.4.2.1, 15 April 2008.
1129 Counsel Advice by Jonathan Rees, MPS109700001, p36, para 4.4.2.2, 15 April 2008.
1130 Counsel Advice by Jonathan Rees, MPS109700001, p37, para 4.4.3.2, 15 April 2008.

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had been standing over Daniel Morgan's body, and that the car driven by James Cook was a pale green Volkswagen Polo. He had refused to repeat this information on tape and consistently refused to make any statement about these matters.[1131]

638. In respect of former DS Sidney Fillery, Jonathan Rees, barrister, said the following:

i. James Ward had said that DS Fillery investigated the murder '*very loosely*'.

ii. Gary Eaton had said that when he and James Cook were going to collect drugs, James Cook would ask DS Fillery if everything was alright. Gary Eaton said he accompanied James Cook, DS Fillery and a third man to a meeting where there was an open conversation about drugs and HM Customs and Excise. James Cook had handed DS Fillery an envelope containing cash.[1132]

iii. Gary Eaton had said that, soon after the murder, DS Fillery had warned him that if '*he didn't keep his mouth shut, he or his family might get the same*'. Gary Eaton took this as referring to the murder of Daniel Morgan.[1133]

iv. There was no evidence to suggest that former DS Fillery played any part in arranging the meeting between Daniel Morgan and Jonathan Rees on the evening of 10 March 1987, nor was he there that evening.[1134]

v. There was insufficient evidence to suggest that DS Fillery knew, when he took a statement from Jonathan Rees on 11 March 1987, that the possible motive for the killing was closely connected to the civil dispute between Southern Investigations and Belmont Car Auctions.[1135]

639. Jonathan Rees, barrister, noted that the accounts of the four new witnesses, James Ward, Gary Eaton, Person S15 and Person X8, overlapped to a significant degree with regard to the involvement of Glenn Vian and Garry Vian. He noted that they appeared to be mutually corroborative in certain important respects. He therefore considered the possibility of collusion between them but concluded there did not appear to be any clear evidence to suggest that there had been any.[1136] The police had confirmed to him that there was no direct connection between James Ward and Gary Eaton.[1137]

640. Jonathan Rees, barrister, considered whether a member of the investigation team, inadvertently or otherwise, had contaminated the evidence by providing key details about the case.[1138] He noted:

i. Such evidence existed in the case of James Ward because DCS David Cook had provided James Ward with details about the case before he started to give his account in February 2005.[1139] Apart from this instance, there was no other material to indicate

1131 Counsel Advice by Jonathan Rees, MPS109700001, pp35-38, para 4.6.4.1, 15 April 2008.
1132 Counsel Advice by Jonathan Rees, MPS109700001, pp51-52, para 4.6.4.1, 15 April 2008.
1133 Counsel Advice by Jonathan Rees, MPS109700001, p52, para 4.6.4.2, 15 April 2008.
1134 Counsel Advice by Jonathan Rees, MPS109700001, p50, para 4.6.2, 15 April 2008.
1135 Counsel Advice by Jonathan Rees, MPS109700001, pp50-51, para 4.6.3.1, 15 April 2008.
1136 Counsel Advice by Jonathan Rees, MPS109700001, p79, para 5.7.3, 15 April 2008.
1137 Counsel Advice by Jonathan Rees, MPS109700001, p78, para 5.7.2 (a), 15 April 2008.
1138 Counsel Advice by Jonathan Rees, MPS109700001, pp79-80, para 5.7.3, 15 April 2008.
1139 Counsel Advice by Jonathan Rees, MPS109700001, pp80-82, para 5.8.1.1, 15 April 2008.

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that James Ward was being told what to say by police.[1140] While articulating the reasons which he had been given as to why DCS Cook had provided case details to James Ward, Jonathan Rees, barrister, said:

> *'Although DCS COOK would be able to give evidence about his motives for dealing with* [James Ward] *in the way he did, I am of the view that this particular aspect would not play out well in front of a jury and there is a good chance that the integrity of the investigation may be undermined in their eyes."*[1141]

ii. In the case of Gary Eaton, '*there are parts of the transcript which would provide defence counsel with at least some material for suggesting that DCS Cook was unguarded in the way he sought to ascertain what information* [Gary Eaton] *could provide*'.[1142] He gave several examples of this, referring to the note of the conversation which had been recorded on 26 July 2006 (see paragraphs 314-337 above). He said that none of these examples were of great significance in themselves but, when taken with the example of James Ward, '*could be used to paint a picture of an investigation in which potential witnesses* […] *have been influenced by the investigating officers*'.[1143]

iii. Jonathan Rees, barrister, noted that the schedule of contacts between Gary Eaton and DCS David Cook showed '*about ten occasions*' on which there had been contact between the two men. Jonathan Rees, barrister, said that having looked at the dates of the contacts, it was not easy to see how Defence Counsel could correlate those contacts with major changes in Gary Eaton's account.[1144]

> Jonathan Rees, barrister, had not at this time been provided with full information about the extent of the contact between Gary Eaton and DCS David Cook. In the light of what is now known about the very extensive contact between Gary Eaton and DCS Cook, it is possible to correlate the development of Gary Eaton's account with the chronology of his interactions with DCS Cook.

iv. There was no evidence of any contamination of Person S15's or Person X8's evidence.[1145]

v. There was nothing to indicate that Person F11's account of Daniel Morgan's murder was as a result of any pressure placed on him to cooperate, especially not from the Abelard Two Investigation team.[1146]

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1140 Counsel Advice by Jonathan Rees, MPS109700001, p83, para 5.8.1.6, 15 April 2008.
1141 Counsel Advice by Jonathan Rees, MPS109700001, p83, para 5.8.1.4, 15 April 2008.
1142 Counsel Advice by Jonathan Rees, MPS109700001, p84, para 5.8.2.1, 15 April 2008.
1143 Counsel Advice by Jonathan Rees, MPS109700001, p86, para 5.8.2.2, 15 April 2008.
1144 Counsel Advice by Jonathan Rees, MPS109700001, p87, para 5.8.2.4, 15 April 2008.
1145 Counsel Advice by Jonathan Rees, MPS109700001, pp87-88, paras 5.8.3 – 5.8.4, 15 April 2008.
1146 Counsel Advice by Jonathan Rees, MPS109700001, pp88-89, para 5.8.5.1, 15 April 2008.

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7.10 Information from Person H2

641. Person H2 came forward after James Ward had given his evidence. He said, among other things, that in 2008 James Ward had told him that he had given evidence to the Abelard Two Investigation and as a result he was released from prison 15 years early. Person H2 said that he had asked James Ward whether he had told the truth in his statement and that James Ward had replied '*did he fuck*'. Person H2 said that he reported the conversation to the police but there is no record of him having done so. He contacted the police in 2008 following the announcement of the £50,000 reward for information. Person H2 said that he had given information to the police five years previously and had not received the reward. He said that he wished to claim the reward.

642. In March 2009, Person H2 contacted the Metropolitan Police enclosing transcripts of some covert recordings made by the Metropolitan Police at James Ward's home. Person H2 said that a former police officer had given him these and the names of six police informants or witnesses.

643. Three days later, Person H2 told the Metropolitan Police that he had been told by James Ward's solicitor and by Jacqueline Ward that they had fabricated evidence to get James Ward released from prison.

644. In April 2009, Person H2 told the Abelard Two Investigation that he had told officers three times between 2003 and 2008 that Garry Vian had told him that Daniel Morgan had been enticed out of the Golden Lion public house and that Glenn Vian hit him in the face with an axe. Garry Vian was there when it happened. He also said that on one occasion when he told officers he had been told to keep his mouth shut.

645. On 01 May 2009, the matter was referred to the Crown Prosecution Service. The Panel has seen the documents which accompanied this referral.

646. There was consideration of whether Person H2 could be used in the forthcoming trial. In June 2009, it was recorded that Person H2 could not be used because although his information about the murder may well be credible, '*he has damaged his credibility as a potential witness in this case by the actions he has taken since being investigated for money laundering* […]'.

647. Person H2 made allegations against DCS David Cook and other police officers and against Stuart Sampson of the Crown Prosecution Service. No evidence has been found to support these allegations.

648. The Panel agrees with the Metropolitan Police that the account of the admissions which Person H2 said were made to him by Garry Vian about the murder of Daniel Morgan are credible. The history of Person H2 also made him a potentially credible witness. However, it is the Panel's view, based on the evidence available to it and its dealings with Person H2, that Person H2 did not inform officers before 2008 of the admissions made to him.

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649. The decision not to use Person H2 was justified since his erratic conduct in dealing with the Abelard Two Investigation (of which the Panel has seen evidence) would have created complications which would have undermined the evidence he would have given at trial.

7.11 Decision that there was sufficient evidence to charge Jonathan Rees, Garry Vian, Glenn Vian and James Cook with murder

650. Finally, Jonathan Rees, barrister, considered the sufficiency of the evidence against each of the suspects. He concluded that sufficient evidence existed to charge Jonathan Rees, James Cook, Glenn Vian and Garry Vian with the murder of Daniel Morgan.[1147] Referring to Glenn Vian, he commented that his conclusion was reached, '[o]*n balance, and with some hesitation* [...]'.[1148] He continued: '*I think that if each of these witnesses'* [sic] *comes up to proof and nothing wholly unforeseen emerges which undermines their credibility, there is a realistic prospect that the jury could come to the conclusion that the witnesses are telling the truth about Glenn Vian's involvement in the killing.*'[1149] He applied this same caveat to all/each of the other suspects.

651. Jonathan Rees, barrister, concluded that he was '*acutely conscious*'[1150] that he had seen only a small portion of the huge amount of unused material that existed in the case. He stressed that, '*this advice is drafted on the basis that there is nothing in the unused material which has the potential to undermine any of the foundations of the prosecution case*'.[1151]

7.12 Decision that there was sufficient evidence to charge former DS Sidney Fillery with perverting the course of justice

652. Jonathan Rees, barrister, recorded that '[i]*t is agreed that there is insufficient evidence to establish that Fillery was involved in the murder of Morgan despite the fact that he effectively took Morgan's place as Rees's partner. However, there are pieces of evidence which raise suspicions that he set out to frustrate the investigation into the murder.*'[1152]

653. Jonathan Rees, barrister, considered a number of examples, presented in the advice file, alleging that former DS Sidney Fillery had perverted the course of justice. Jonathan Rees, barrister, pointed to Gary Eaton's allegation that DS Fillery threatened him in a public house shortly after the murder (see paragraph 457 xiv above), as the best example of DS Fillery attempting to subvert the murder investigation: '*I think that the best example of an act which could found a charge of perverting the course of justice is the threat Fillery made to* [Gary Eaton] *(a potential witness) to keep his mouth shut.*' [1153]

654. Jonathan Rees, barrister, also recorded the following:

> *'The decision as to whether there is sufficient evidence to charge Fillery with an offence of perverting the course of justice is finely balanced. It is plain from the preceding paragraphs that, in my view, the clearest evidence of such an offence is contained*

1147 Counsel Advice by Jonathan Rees, MPS109700001, pp89-99, paras 6.1–6.4.3, 15 April 2008.
1148 Counsel Advice by Jonathan Rees, MPS109700001, pp89-99, paras 6.1–6.4.3, 15 April 2008.
1149 Counsel Advice by Jonathan Rees, MPS109700001, p94, para 6.1.7, 15 April 2008.
1150 Counsel Advice by Jonathan Rees, MPS109700001, p112, para 8.6, 15 April 2008.
1151 Counsel Advice by Jonathan Rees, MPS109700001, p112, para 8.6, 15 April 2008.
1152 Counsel Advice by Jonathan Rees, MPS109700001, p99, para 6.5.1, 15 April 2008.
1153 Counsel Advice by Jonathan Rees, MPS109700001, p101, para 6.5.2, 15 April 2008.

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in the statement from [Gary Eaton] *and relates to the threat that Fillery made in the presence of* [James] *Cook. In this aspect of his evidence, there is no direct support for* [Gary Eaton]*'s account although, as already noted, other parts of his account are corroborated by other evidence in the case and the evidence he gives against Fillery is closely linked in some respects to the evidence he gives against Cook.*

'For reasons outlined above, I think that a jury could conclude that [Gary Eaton] *was telling the truth about the main events linked to the murder and therefore, on balance, there are grounds for charging Fillery with an offence of perverting the course of justice in connection with the threat.'*[1154]

655. The decision to charge former DS Sidney Fillery appears to have been based on an assumption that if a jury were to believe Gary Eaton's account in relation to the other four suspects, then they would also be likely to believe Gary Eaton's account that he had been threatened by DS Fillery in 1987. There is no reference to the age of the threat, or to the fact that there was no corroboration, in addition to the inherent problems with Gary Eaton as a witness, which had already been acknowledged by Jonathan Rees, barrister.

Had the barrister, Jonathan Rees, been fully appraised of the extent of former DCS Cook's contact with Gary Eaton, as he should have been, having asked for a schedule of all contact from the police, it is unlikely that he would have relied on this evidence against former DS Fillery, as justifying the decision to bring such charges against him.

8 The arrests and interviews of Jonathan Rees, former DS Sidney Fillery, Glenn Vian, Garry Vian and James Cook

656. Jonathan Rees,[1155] former DS Sidney Fillery,[1156] Glenn Vian[1157] and James Cook[1158] were arrested for the murder of Daniel Morgan on 21 April 2008. While in custody, former DS Fillery was further arrested on 22 April 2008 for perverting the course of justice relating to Daniel Morgan's murder. Garry Vian was produced from prison to be arrested and interviewed in connection with the murder of Daniel Morgan.[1159] All the interviews were tape-recorded and videoed and most were live-stream monitored. The interviews took place in interview rooms within the Custody Suite.

1154 Counsel Advice by Jonathan Rees, MPS109700001, p103, paras 6.5.8–6.5.9, 15 April 2008.
1155 Custody record Jonathan Rees, MPS094329001, pp5-24, 21 April 2008.
1156 Custody record former DS Sidney Fillery, MPS094329001, pp25-32, 21 April 2008.
1157 Custody record Glenn Vian, MPS094329001, pp34-56, 21 April 2008.
1158 Custody record James Cook, MPS094329001, pp68-99, 21 April 2008.
1159 Custody record Garry Vian, MPS094329001, pp57-64, 21 April 2008.

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8.1 The interview of Jonathan Rees

657. Jonathan Rees was interviewed in the presence of his solicitor on 13 occasions between 12.07 pm on 21 April 2008 and 5.50 pm on 23 April 2008.[1160]

658. Jonathan Rees was told early in his first interview that he was going to be interviewed about his relationships with Daniel Morgan, Margaret Harrison, Glenn Vian, Garry Vian, James Cook and former DS Sidney Fillery, and about how the latter four became involved with him in the murder of Daniel Morgan.[1161] He responded by reading a prepared statement[1162] in which he said that he would not be answering any questions, on the basis that the issues raised within the disclosure given to his solicitor had been fully addressed over the previous 20 years.[1163] However, the interviews continued with Jonathan Rees largely answering the questions put to him and strenuously denying any involvement in the murder of Daniel Morgan. He refused to answer questions regarding his relationship with Margaret Harrison.[1164]

659. Jonathan Rees was questioned first about the account of the witness James Ward[1165] and then the accounts of Person X8,[1166] Gary Eaton,[1167] former DC Duncan Hanrahan,[1168] former Police Officer N21[1169] and Person D6 (see section 8.6.1 below).[1170] He strongly challenged the evidence of each of these witnesses. During his seventh interview,[1171] when questioned about Gary Eaton's evidence, he denied knowing Gary Eaton and strongly refuted any suggestion that Gary Eaton had worked for Southern Investigations at any time. However, James Cook subsequently contradicted Jonathan Rees during his (James Cook's) interviews, by saying that Gary Eaton had done a couple of bailiff jobs with him for Southern Investigations.[1172] There is no evidence that this contradiction was subsequently put to Jonathan Rees in interview.

660. Jonathan Rees was also questioned about a covertly recorded conversation he had had with former DS Alec Leighton on 18 August 1999. During this conversation, Jonathan Rees allegedly discussed with former DS Alec Leighton whether they should offer the witness, Kevin Lennon, £2,000 to retract his original testimony in 1987 that Jonathan Rees had said that he wanted Daniel Morgan killed. Jonathan Rees replied '*no comment*' to most of the questions on this subject, did not acknowledge that he knew former DS Leighton and said that he had documentation he would rely on in court.[1173]

1160 Records of interview of Jonathan Rees: 21 April 2008 – MPS108982001-12.12 pm-12.22 pm, MPS108983001- 2.40 pm-3.15 pm, MPS108985001-6.08 pm-6.50pm, MPS108986001-7.00 pm-7.22 pm. 22 April 2008 – MPS108987001- 10.55 am-11.42 am, MPS108988001-11.46 am-12.03 pm, MPS108990001-5.40 pm-6.25 pm, MPS108991001-6.30 pm-07.10 pm, MPS108993001-8.55 pm-9.20 pm. 23 April 2008 – MPS108995001-11.25 am-11.44 am, MPS108996001-2.47 pm-3.18 pm, MPS108998001-4.37 pm-5.20 pm, MPS108999001- 5.23 pm-5.50 pm.
1161 Record of interview of Jonathan Rees, MPS108982001, p3, 21 April 2008.
1162 Prepared statement of Jonathan Rees, MPS108971001, 21 April 2008.
1163 Record of interview of Jonathan Rees, MPS108982001, p4, 21 April 2008.
1164 Record of interview of Jonathan Rees, MPS108996001, pp4-16, 2.47 pm-3.18 pm 23 April 2008.
1165 Records of interview of Jonathan Rees, MPS108983001, 2.40 pm-3.15 pm, 21 April 2008 and MPS108987001, 10.55 am-11.42 am, 22 April 2008.
1166 Records of interview of Jonathan Rees – MPS108985001, 6.08 pm-6.50 pm, 21 April 2008, MPS108986001, 7.00 pm-7.22 pm 21 April 2008, MPS108987001, 10.55 am-11.42 am, 22 April 2008, and MPS108988001, 111.46 am-12.03 pm, 22 April 2008.
1167 Records of interview of Jonathan Rees, MPS108990001, 5.40 pm-6.25 pm, 22 April 2008, and MPS108991001, 6.30 pm-7.10 pm, 22 April 2008.
1168 Record of interview of Jonathan Rees, MPS108995001, pp1-10, 11.25 am-11.44 am, 23 April 2008.
1169 Records of interview of Jonathan Rees, MPS108995001, pp10-11, 11.25 am-11.44 am, 23 April 2008 and MPS108996001, pp1-4, 2.47 pm-3.18 pm, 23 April 2008.
1170 Record of interview of Jonathan Rees, MPS108998001, 4.37pm-5.20 pm, 23 April 2008.
1171 Record of interview of Jonathan Rees, MPS108990001, 5.40 pm-6.25 pm, 22 April 2008.
1172 Record of Interview of James Cook, MPS000729001, p11, 22 April 2008.
1173 Interview record of Jonathan Rees, MPS108993001, pp4-13, 8.55 pm-9.20 pm, 22 April 2008.

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8.2 The interview of former DS Sidney Fillery

661. Former DS Sidney Fillery was interviewed in the presence of his solicitor 13 times between 1.41 pm on 21 April 2008 and 3.24 pm on 23 April 2008.[1174]

662. Throughout his interviews, former DS Sidney Fillery continually denied any involvement in the planning or execution of Daniel Morgan's murder. Commenting on the first investigation and his arrest in 1987, he stated, '[...] *two inept Police Officers put two and two together, and came up with a lot more than four* [...]'.[1175]

8.3 The interview of Glenn Vian

663. Glenn Vian was interviewed in the presence of his solicitor 11 times between 4.47 pm on 21 April 2008 and 8.37 pm on 23 April 2008.[1176]

664. Glenn Vian was interviewed at length about his relationship with the other arrested individuals and his knowledge and suspected involvement in the murder of Daniel Morgan. He replied '*no comment*' to most questions put to him. When Glenn Vian was told that he was going to be interviewed concerning the account of Gary Eaton and Gary Eaton's relationship with Tony Airey, he was asked, '[b]*efore we do Glen* [sic] *is there anything at all you wish to say personally in relation to Gary Eton* [sic]*?*' Glenn Vian replied: '*I know this is difficult, I'm not trying to laugh but I don't know any of these people, so no comment.*'[1177]

665. During his third interview, on the morning of 22 April 2008, his solicitor read a prepared statement on his behalf, in which he denied any involvement in the murder.[1178]

8.4 The interview of Garry Vian

666. On 21 April 2008, Garry Vian was produced for interview from prison where he remained a serving prisoner following his conviction for importation of controlled drugs in 2005.[1179] He was interviewed, in the presence of his solicitor, 12 times between 3.30 pm on 21 April and 3.16 pm on 23 April 2008.[1180] He was interviewed at length about his suspected involvement in the murder of Daniel Morgan and his association with the other arrested individuals. He replied '*no comment*' to all questions.

1174 Records of Interview, Sidney Fillery: 21 April 2008 – MPS108951001 – 1.41 pm-2.26 pm, MPS108952001 – 2.35 pm-3.16 pm, MPS108953001 – 7.07 pm-7.54 pm, MPS108954001 – 7.57 pm-8.07 pm. 22 April 2008- MPS108955001 – 10.59 am-11.42 am, MPS108956001 –11.59 am-12.42 pm, MPS108957001 – 1.08 pm-1.46 pm, MPS108958001 – 6.31 pm-7.14 pm, MPS108959001– 7.21 pm-7.40 pm. 23 April 2008 – MPS108960001 – 12.14 pm-12.59 pm, MPS108961001 – 1.06 pm-1.50 pm, MPS108962001 – 2.02 pm-2.11 pm, MPS108963001 – 3.07 pm-3.24 pm.

1175 Record of interview Sidney Fillery, MPS108952001, p8, 2.35 pm-3.16 pm, 21 April 2008.

1176 Records of Interview of Glenn Vian: 21 April 2008 – MPS109003001 – 4.47 pm-5.32 pm, MPS109004001 – 6.43 pm-7.25 pm 22 April 2008 – MPS109006001 – 9.21 am-10.05 am, MPS109007001 – 10.30 am-10.47 am, MPS109009001 – 12.29 pm-12.49 pm, MPS109010001 – 1.06 pm-1.21 pm, MPS109012001 – 5.28 pm-6.12 pm. 23 April 2008 – MPS109014001 – 10.20 am-11.07 am, MPS109015001 – 3.40 pm-4.19 pm, MPS109016001 – 5.33 pm-6.10 pm, MPS109019001 – 7.54 pm-8.37 pm.

1177 Records of Interview of Glenn Vian, MPS109012001, p2, 22 April 2008.

1178 Prepared statement of Glenn Vian, MPS109001001, 22 April 2008.

1179 Production Questionnaire, re. Garry Vian, MPS103888001, pp8-10, 21 April 2008; and, PNC record in respect of Garry Vian, MPS071868001, p1 & 3, undated.

1180 Records of interview of Garry Vian: 21 April 2008 – MPS108929001 – 3.30 pm-4.13 pm, MPS108930001 – 4.20 pm-4.54 pm, MPS108932001 – 7.24 pm-8.05 pm, MPS108933001 – 8.09 pm-8.38 pm 22 April 2008 – MPS108935001 – 10.20 am-11.00 am, MPS108936001 – 11.04 am-11.10 am, MPS108938001 – 5.06 pm-5.50 pm, MPS108939001 – 5.53 pm-6.05 pm, MPS108941001 – 8.40 pm-9.10 pm 23 April 2008 – MPS108943001 – 11.38 am-11.54 am, MPS108945001 – 1.51 pm-2.31 pm, MPS108946001 – 3.12 pm-3.16 pm.

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8.5 The interview of James Cook

667. James Cook was interviewed in the presence of his solicitor on 11 occasions between 4.11 pm on 21 April 2008 and 3.02 pm on 23 April 2008.[1181]

668. James Cook replied '*no comment*' to most questions until his fourth interview on the early evening of 22 April 2008, when his solicitor indicated that he would be answering questions on disclosed material concerning evidence from the witness Gary Eaton.[1182] James Cook said that he had known Gary Eaton because he had lived close to his parents. He confirmed that he had done some work with Gary Eaton for Southern Investigations[1183] but strenuously denied any criminal association with him.

8.6 Further witness evidence

669. The arrests and interviews of the five suspects in April 2008 did not take the investigation any further and, once again, officers sought to identify new witnesses who might bring further evidence about the murder.

8.6.1 Person D6

670. The day following the arrest of the five suspects, 22 April 2008, Person D6, a former boyfriend of Garry Vian's and Glenn Vian's sister, Samantha Vian, came forward, having read that day in the newspapers about the reinvestigation of the murder of Daniel Morgan and the arrests of suspects. He was interviewed the same day and said he had been told by Glenn Vian that he had murdered Daniel Morgan. He expressed an interest in the £50,000 reward.[1184]

671. Person D6 made a statement containing the following information:

i. He had lived with Samantha Vian and her mother from the beginning of 1987.

ii. He had known Glenn Vian and Garry Vian since before 1984 and had trained at the same gym as them in 1984.

iii. Samantha Vian had worked part-time at The Harp public house in Croydon.[1185]

iv. Glenn Vian, Garry Vian and Jonathan Rees regularly met in The Harp public house.[1186]

v. He said:

> *'I recall being in the Harp on one or two occasions and hearing bits of conversation between Jonathan Rees and Glenn Vian. They were referring to Rees' business partner Daniel Morgan. They were saying that they wanted to get rid of Morgan. They both said at different times of the conversation "when are you going to get rid of him", "he's got to go". I didn't really understand at what exactly they meant, I didn't think they were talking about murdering*

1181 Records of interview of James Cook: 21 April 2008 – MPS074928001 – 4.11 pm-4.57 pm, MPS074929001, – 5.13 pm-5.38 pm, MPS074930001 – 7.57 pm-8.15 pm 22 April 2008 – MPS074932001 – 6.53 pm -7.40 pm, MPS074933001 – 7.55 pm-8.26 pm 23 April 2008 – MPS074934001 – 9.35 am-10.20 am, MPS074935001 – 10.30 am-11.03 am, MPS074936001 – 11.37 am-11.47 am, MPS074937001 – 12.00 pm-12.45 pm, MPS074938001 – 12.50 pm-12.56 pm, MPS074939001 – 2.30 pm-3.02 pm.
1182 Record of interview of James Cook, MPS074932001 p3, 6.53 pm – 7.40 pm , 22 April 2008.
1183 Record of Interview of James Cook, MPS074932001, p6, 22 April 2008.
1184 Record of interview of Person D6, MPS108307001, p45, 22 April 2008.
1185 Witness statement of Person D6, MPS079006001, p4, 22 April 2008.
1186 Witness statement of Person D6, MPS079006001, p4, 22 April 2008.

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> *someone. And I can't recall exactly who said what to who but gist of the conversation they were worked up about something.* […] *Because I was with Sam for another three years I couldn't say anything about what I knew I'd have got killed myself. When I heard the conversation about Daniel Morgan "having to go" that would have been about January or February 1987. In the summer of 1987 around about June I was with Glenn again in The Harp Pub when he told me that he had killed Daniel Morgan. He said, "I done him straight in the head with the axe" and said, "he should have been wearing a crash helmet", he was laughing and joking. I said, "you fucking joking, ain't you?" he said, "no I ain't". He was bragging but I knew he was telling the truth, Samantha was annoyed because he kept bragging."*[1187]

672. Person D6 also said in interview that Glenn Vian said that he '[...] *done him with a big left hander* [...] *yeah a left hander straight across his face*'.[1188] This information was put to Glenn Vian during a later interview and he was asked to confirm whether he was left- or right-handed, but he declined to comment. His interviewers said that they had noticed he signed with his right hand and they asked if he was ambidextrous. Again, he did not comment. It was then suggested to him that if he was right-handed but had struck Daniel Morgan with the axe in his left hand, then this would be something out of the ordinary, which would explain why he had commented on it to Person D6.[1189] Glenn Vian replied '*no comment*' throughout this series of questions.

673. Person D6 made three statements on 22 April 2008 adopting the tapes of his evidence as his statement and clarifying and amending points of his evidence.[1190]

674. Person D6 made further statements on 22 August 2008,[1191] 13 November 2008,[1192] 24 February 2009[1193] and 21 September 2009.[1194] A decision was made to use him as a witness during the trial.

9 Ongoing investigation

675. After the arrests, the police submitted a report to the Crown Prosecution Service on 23 April 2008, seeking a charging decision. Stuart Sampson's report response summarised the evidence as follows:

i. '*The change since 2003 is that* [Kevin] *Lennon was then the only witness who gave any evidence of admission and was largely discredited; others have now come forward in particular Ward, Eaton, &* [Person X8]. [Person F11] *made a statement but then retracted it (the effect of CJA 2003* [Criminal Justice Act 2003] *is that he can now be used) – since the arrests on Monday* [Person D6] *has come forward and has made a very useful statement as a result of which Rees & Glen* [sic] *Vian are to be further interviewed.*

1187 Witness statement of Person D6, MPS079006001, pp5-7, 22 April 2008.
1188 Record of interview of Person D6, MPS108307001, p21, 22 April 2008.
1189 Record of interview of Glenn Vian, MPS109016001, pp5-6, 23 April 2008.
1190 Witness statements of Person D6, MPS079006001 and MPS079007001, and interviews MPS108306001, MPS108307001, MPS108308001, and MPS108309001 (records of interviews signed as a witness statement), all of 22 April 2008.
1191 Witness statement of Person D6, MPS079008001, 22 August 2008.
1192 Witness statement of Person D6, MPS079009001, 13 November 2008.
1193 Witness statement of Person D6, MPS079010001, 24 February 2009.
1194 Witness statement of Person D6, MPS079011001, 21 September 2009.

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ii. *There is no scientific evidence.*

iii. *With each of the new witnesses there are problems which if he was the only witness there would be great difficulties in justifying charge. However taken together they present a reasonably coherent picture; assuming they all (or the majority) come up to proof then there is a reasonable chance the jury will believe the evidence that they give.*

iv. *The evidence is supported by probe evidence obtained over the years both in the investigation and also OP Bedingham.*

v. *The difficulty in this case, apart from the silence from those who could give evidence, is that it has been overcast by the suspicion of police malfeasance (ie the actions or inactions of Fillery at the time of the initial investigation) and the attempts to bring in the involvement of others. Rees in particular has made a number of attempts including a recent complaint to the CCRC* [Criminal Cases Review Commission].

vi. *The other suspects have been excluded (by and large) and we are left with this quartet. Although Fillery's actions are suspicious there is in fact little if any evidence to show that he did actually do anything wrong at that time; however, if Eaton is to be believed then he did threaten him and that is enough*.'[1195]

676. It was decided that Jonathan Rees, Glenn Vian, Garry Vian and James Cook be charged with murder and that former DS Sidney Fillery be charged with perverting the course of justice.[1196]

9.1 Person J5, continued

677. Person J5 had previously spoken to police about what she said she knew about Daniel Morgan's murder. She had not however been prepared to give evidence and had been very afraid of James Cook and of what might happen to her if she did give evidence.

678. On 10 June 2008, Person J5 attended a police station in compliance with the terms of her bail in respect of an unrelated matter being investigated by Surrey Police.[1197] DC Caroline Linfoot and DC Christopher Winks met her at the police station. Notes of this meeting were made by DC Linfoot.[1198] DC Linfoot recorded that she had informed Person J5 that James Cook had been charged with murder. She also recorded that she told Person J5 that the police were building their case, and that details of her previous meetings with Person J5 would be disclosed to the Defence. DC Linfoot recorded that she '*explained that* [the police] *had to provide* [Person J5's] *details under CPIA* [Criminal Procedure and Investigations Act 1996] *as a person who had refused to make a statement*' to lawyers for the Defendants.[1199] Person J5 said that she would think about whether she wanted to make a statement. DC Linfoot offered to get someone to explain the process of witness protection to Person J5. DC Linfoot recorded that Person J5 was very afraid of her current partner but that she declined help to get away from him.

679. In a letter to the Abelard Two Investigation, Person J5's solicitor expressed concern about the circumstances and conduct of this meeting.[1200] The letter stated that Person J5 had been approached with no prior warning and had not been legally represented. The solicitor said that

1195 Case file including Manual of Guidance forms 1,3,4,5 and 7, MPS072615001, p9, 23 April 2008.
1196 Case file including Manual of Guidance forms 1,3,4,5 and 7, MPS072615001, pp3-21, 23 April 2008.
1197 Metropolitan Police Service Form 38, MPS105283001, p67, 10 June 2008.
1198 Notes of meeting with Person J5, MPS105283001, pp69-72, 10 June 2008.
1199 Notes of meeting with Person J5, MPS105283001, p70, 10 June 2008.
1200 Letter from Haw and Co Solicitors representing Person J5, MPS104006001, p1, 11 June 2008.

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he had been telephoned, the previous day, by the officer in the case for which Person J5 was on bail and had been told that there was no reason for him to attend as Person J5 was merely having her bail extended.

680. According to Person J5's instructions to her solicitor, DC Caroline Linfoot and another officer:

i. told Person J5 that '*Jimmy Cook had been charged with murder and that they were going to try and convict Mr Cook for other crimes of which they are sure* [Person J5]*'s name would be implicated and that she could be possibly re-arrested*';[1201]

ii. told Person J5 that their actions were a '*nice gesture*' to forewarn her and to persuade her to take part in the witness protection programme, and that the offer would not be there for long;[1202]

iii. told Person J5 '*that they would make the person called Jimmy Cook aware that she has been talking to them despite her never having made a statement*';[1203]

iv. told Person J5 repeatedly that if she did '*not accept their offer of being a Prosecution witness and not making a statement she would be on her own without Police protection*'.[1204]

681. On 12 June 2008, DCS David Cook replied to Person J5's solicitors, emphasising the need to advise Person J5 of '*our proposed course of action in respect of the investigation of further offences which could possibly have an impact on her safety and well being*'. He also said that '[Person J5] *engaged the officers in conversation, although from what I am led to believe, certainly not upon the lines as disclosed in your letter*' and that '*I am assured that the way in which the discussion was repeated to you, was not the way in which the discussion took place, and that* [Person J5] *was at liberty not to enter into the discussion but she chose to*'.[1205]

682. The account provided by Person J5 to her solicitor, of what had happened when she attended the police station on 10 June 2008, differed from that given by the police officers. The police notes do not contain any reference to the re-arrest of Person J5, and the other issues raised were reported as a communication of facts to Person J5. However, DC Caroline Linfoot, who spoke to Person J5, recorded that she was '*quite frightened*'. The fact that she had been told that her details would be disclosed to the Defence may have caused her very real fear. The Abelard Two Investigation was aware of Person J5's fears and her vulnerability. Although the police may not have intended the meeting to be threatening, they should have anticipated that she might have perceived it as such. DCS David Cook did not acknowledge the fact that the meeting may well have been construed by her as threatening, even though that may not have been the intention of the police.

1201 Letter from Haw and Co Solicitors representing Person J5, MPS104006001, p3, 11 June 2006.
1202 Letter from Haw and Co Solicitors representing Person J5, MPS104006001, p3, 11 June 2006.
1203 Letter from Haw and Co Solicitors representing Person J5, MPS104006001, p3, 11 June 2006.
1204 Letter from Haw and Co Solicitors representing Person J5, MPS104006001, p3, 11 June 2006.
1205 Letter to Haw and Co Solicitors re client Person J5, MPS104065001, p2, 12 June 2008.

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683. The Metropolitan Police had a responsibility to inform Person J5 of the prospect of her details being disclosed to the Defence. However, the way in which this was done appears to have been designed to bring additional pressure to bear upon her to be a Prosecution witness. The Abelard Two Investigation was determined to secure her as a witness despite her repeated statements of how afraid she was, yet no actual provision was made for her safety, although police did brief her about her safety and notified the local police that they should treat any calls to her home as urgent. Rather she was told that police could not protect her unless she gave a statement. Person J5 was referred to the Witness Protection Unit on 01 July 2009 when she provided a statement to the police.

684. Five months later, minutes of an Abelard Two Investigation office meeting, held on 13 November 2008,[1206] recorded that Person J5 had been charged by Surrey Police with conspiracy to defraud and that:

i. Person J5 had been handed a letter from T/DCI Noel Beswick providing information about the Assisting Offender provisions of the Serious Organised Crime and Police Act 2005;[1207]

ii. Person J5 had '*said that she did not trust the police as she had seen Jimmy COOK paying them off*';[1208]

iii. DC Caroline Linfoot had stated that Person J5 had seemed very nervous and was shaking her head saying she could not give evidence; that DC Linfoot had reiterated that Person J5's safety was their main concern and that this had been explained to her in the presence of her solicitor.[1209]

685. Five months later on 16 April 2009, it was announced at an Abelard Two Investigation office meeting that '*no further action*' would be taken against Person J5 in respect of the fraud offences.[1210]

686. By 29 April 2009 the Abelard Two Investigation had become aware that James Cook's wife was looking for Person J5. Although they did not know why Jacqueline Cook was looking for Person J5, they knew that Person J5 could be in danger.[1211]

687. Abelard Two Investigation officers saw Person J5 on 05 June 2009, [1212] and on 15 June 2009 T/DCI Noel Beswick made a decision to seek a witness statement from Person J5 as her circumstances had changed and she was '*no longer in jeopardy of prison*'.[1213]

1206 Minutes of office meeting, MPS071803001, p88, 13 November 2008.
1207 Minutes of office meeting, MPS071803001, p88, 13 November 2008; and Witness statement by DC Caroline Linfoot, MPS077547001, 11 November 2008.
1208 Minutes of office meeting, MPS071803001, p88, 13 November 2008.
1209 Witness statement of DC Caroline Linfoot, MPS077547001, 11 November 2008.
1210 Message M1393 from T/DCI Noel Beswick, MPS074352001, 20 April 2009.
1211 Action A1982, *'TST* [Person J5] *re any info appertaining to the enquiry following the arrest and charging of the suspects'*, MPS068746001, p3, 29 April 2009.
1212 Action A2496, *'Liaise with Surrey police and* […]', MPS069723001, p2, 05 June 2009.
1213 Decision 113, Decision log by T/DCI Noel Beswick, MPS080404001, 15 June 2009.

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688. DC Nicholas Atherton and DC Robert Groombridge met Person J5 on 19 June 2009. She spoke at length about James Cook's criminality, described specific criminal incidents and her fear of James Cook whom she described as a violent man. DC Atherton and DC Groombridge reported that they discussed witness protection with Person J5 at this meeting.[1214]

689. DC Nicholas Atherton reported that at the meeting on 19 June 2009, Person J5 said that:

i. James Cook had police contacts who provided him with information;[1215]

ii. Jonathan Rees '*used to take a lot of drugs from "bent old Bill"*' which were '*siphoned off from police drug raids*';[1216]

iii. James Cook was allegedly responsible for placing a pig's head on the doorstep of former DS Sidney Fillery's public house in Norfolk to warn him to keep quiet about things;[1217]

iv. James Cook had told her that he, Glenn Vian, Garry Vian and Jonathan Rees had gone to the Golden Lion public house merely to '*rough him* [Daniel Morgan] *up*'. She stated that '*it was over a woman as well as "the deals"*'. James Cook had told her that Glenn Vian had '*all of a sudden pulled out an axe and hit* [Daniel] *MORGAN in the head with it*' to which James Cook then said to Glenn Vian: "*What the fuck did you do that for*?"[1218]

v. James Cook told her that he took Daniel Morgan's watch and something else, which she thought may have been money.[1219]

690. At this meeting Person J5 also informed the Abelard Two Investigation that she would give information, but she would not give evidence in court, explaining that she was too afraid to do so because of her knowledge about James Cook's violence, and that of those associated with him.[1220]

691. On 22 June 2009, Person J5 met DC Nicholas Atherton and DC Robert Groombridge with officers from the Witness Protection Unit, to learn from them how she might be protected if she gave evidence. She said that she had received a threatening phone call on 19 June 2009, the day she had met DC Atherton and DC Groombridge, from her partner's cousin and Person E30, a man who was a known contact of James Cook (see Chapter 6, The Abelard One/Morgan Two Investigation). Person J5 said that she was telephoned while walking her dog by Person E30, whom she described as saying to her, '*Don't listen to anything the Police tell you about Jimmy, it's all bollocks. Don't say a fucking word and it'll be alright. Don't say anything about anything and everything will be alright.*' Person J5 said that after this she was very frightened.[1221]

692. In a record of the meeting on 22 June 2009, DC Nicholas Atherton said that they had reassured Person J5 that it was pure coincidence that she had received a phone call, and that there had been no leak to the effect that the investigation team were visiting her.[1222] Person J5

1214 Message M1445 from DC Nicholas Atherton, MPS006164001, 19 June 2009.
1215 Message M1445 from DC Nicholas Atherton, MPS006164001, p3, 19 June 2009.
1216 Message M1445 from DC Nicholas Atherton, MPS006164001, p3, 19 June 2009.
1217 Message M1445 from DC Nicholas Atherton, MPS006164001, p3, 19 June 2009.
1218 Message M1445 from DC Nicholas Atherton, MPS006164001, p2, 19 June 2009.
1219 Message M1445 from DC Nicholas Atherton, MPS006164001, p2, 19 June 2009.
1220 Message M1445 from DC Nicholas Atherton, MPS006164001, p1, 19 June 2009.
1221 Witness statement of Person J5, MPS000484001, pp2-3, 14 July 2009.
1222 Message from DC Nicholas Atherton, MPS006165001, p2, 23 June 2009.

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stated that she was hesitant to assist because the fact that she had helped would be passed back to James Cook.[1223] Person J5 told DC Robert Groombridge and DC Atherton that the information that she had about James Cook could lead to his downfall, but if he were somehow found not guilty, she would be a '*marked woman*' for life.[1224]

693. On 23 June 2009, at 11.44 am, Alastair Morgan emailed a letter to former DCS David Cook. This letter was addressed to a '*Witness*'.[1225] At 12.10 pm that day, DC Nicholas Atherton telephoned Person J5 '*to check her welfare*'.[1226] In his written update to the Abelard Two Investigation, DC Atherton noted that Person J5 had said that '*she had had a very bad nights* [sic] *sleep and every little noise she heard made her nervous. She stated as a result she had not gotten out of bed until about 1100 hours and was going to her doctors to see if she could get any medication*.'[1227] DC Atherton also noted she appreciated the call and he told her he would remain in contact.[1228]

694. On 24 June 2009, DC Robert Groombridge and DC Nicholas Atherton visited Person J5 at her home address to check whether she was alright.[1229] Person J5 invited both officers into her home.[1230] Person J5 was shown the letter from Alastair Morgan to her.[1231] DC Atherton noted in a message to the Abelard Two Investigation that the letter confirmed Alastair Morgan's '*trust and confidence in the investigation and his determination to see his brother's killers brought to justice*'.[1232] The letter read:

> *'Dear Witness*
>
> *I don't know your name and it's difficult to write to a stranger in these circumstances, but I will try. I'm sure you must be feeling stressed and I hope this letter from me, Daniel's brother Alastair, will help you.*
>
> *It's obvious that you want to help the police solve my brother's murder otherwise you'd never have given them any information at all. Thank you for this and for being open with the police. You'll understand that after so many years it's very important for us to know the truth. We've fought a very hard battle to get to this point.*
>
> *This happened again and again. We felt that they were corrupt. We were even going to take the government to court about this issue, we felt so angry about it. I want you to understand that this situation has now changed completely. It's taken a long time and a lot of changes from the police but now we have total confidence in the honesty of Dave Cook and his team. We trust them and we have found that we can rely on what they say to us. This is so important.*
>
> *I want to appeal to you as a person. We've been through absolute hell as a result of Dan's murder and all we want now, when we're so close to the end, is for the people who did this to him to face the consequences of their actions. I know that you can help us. Please do it. I don't want to use the word "beg", but that's what I feel inside.*

1223 Message from DC Nicholas Atherton, MPS006165001, p2, 23 June 2009.
1224 Message from DC Nicholas Atherton, MPS006165001, p2, 23 June 2009.
1225 Email from Alastair Morgan, EDN001580001, 23 June 2009.
1226 Message from DC Nicholas Atherton in respect of Person J5, MPS006166001, p1, 25 June 2009.
1227 Message from DC Nicholas Atherton in respect of Person J5, MPS006166001, p1, 25 June 2009.
1228 Message from DC Nicholas Atherton in respect of Person J5, MPS006166001, p1, 25 June 2009.
1229 Message from DC Nicholas Atherton in respect of Person J5, MPS006166001, p1, 25 June 2009.
1230 Message from DC Nicholas Atherton in respect of Person J5, MPS006166001, p1, 25 June 2009.
1231 Message from DC Nicholas Atherton in respect of Person J5, MPS006166001, p2, 25 June 2009.
1232 Message from DC Nicholas Atherton in respect of Person J5, MPS006166001, p2, 25 June 2009.

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Please trust this team of police and what they say to you.

I wish you all the best in your life. I believe that when you look back on this you will feel proud of what you have done.

Best regards,

Alastair Morgan'[1233]

695. DC Nicholas Atherton noted that '[t]*he letter, written with strong emotion clearly effected* [sic] [Person J5]' and that she asked several questions concerning the security of the evidence-giving process.[1234]

696. Former DCS David Cook was asked at interview how the letter came to be written. He said that he could not remember, but he said '*we'll use every tactic in the book to see if we can get someone on board, and if that was our opportunity, tell me what was wrong with it*'.[1235]

697. The Panel has been unable to identify how this letter came to be written and whether the idea for the letter originated with Alastair Morgan or the Abelard Two Investigation and, in particular, from former DCS David Cook. Regardless of this, it was inappropriate to deliver the letter to Person J5. It was at a time when she was in great fear and contemplating the possibility of giving evidence as a witness. The effect of this was to add to the pressure on her to become a witness by using the grief and distress of the family to do so. This should not have happened.

698. On 26 June 2009, Person J5 alleged that sometime between 7.30 am and 8.00 am, she was walking her dog, when she was violently assaulted by two men, one of whom told her '*keep your mouth shut, don't say anything, if you do next time it will be worse*'. Following that assault, one of the men said '*Don't say anything. Keep your mouth shut.*' She said that she returned home and reported the attack to police a few hours later. The local ambulance service was called by the police and she was taken to hospital. She gave names which she said she thought were the names of the people who attacked her. In a subsequent interview, she stated that she did not know them and would not recognise them again.[1236]

699. The alleged attack on Person J5 was investigated by the Abelard Two Investigation, which identified who one of the people was, but found that this person had an alibi for the time of the alleged attack. They also found a draft text dated 26 June 2009 at 02.29.33 on Person J5's phone describing the attack before it happened.[1237] At this point the police should have considered Person J5's credibility as a witness, as this text had the potential to seriously undermine her credibility. The matter was closed, and Person J5 was informed of the outcome of the investigation. Later in March 2010, Person J5 expressed concerns, during one

1233 Letter to Person J5 from Alastair Morgan, MPS001417001, p1, undated.
1234 Message from DC Nicholas Atherton in respect of Person J5, MPS006166001, p2, 25 June 2009.
1235 Panel interview of former DCS David Cook, Transcript 4, p7, 25 August 2020.
1236 Unused notes of meeting with Person J5, MPS005407001, p1, 26 June 2009.
1237 *'Evidential examination report of telephone of* Person J5 *N1106'*, MPS105850001, p17, 17 November 2009.

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of her debrief sessions, that the letter, from Alastair Morgan, was connected with the alleged assault she sustained, suspecting corrupt police officers may have found out and informed criminal contacts.[1238]

700. On the day of the attack (26 June 2009), DI Douglas Clarke recorded that he had arranged for Person J5 to be taken to a place of safety and for two named police officers to provide assistance and support.[1239] She was then placed under police protection. DI Clarke stated later that he was '*aware later in the afternoon* [of 26 June 2009] *that SIO David Cook attended the location, where* [Person J5] *was in attendance,*' and spoke to her about assisting the enquiry and protection which could be offered to witnesses.[1240]

701. DI Douglas Clarke recorded that '[t]*hroughout the evening I knew that an attempt was made to take a statement from* [Person J5] *as to her knowledge of Jimmy Cook's involvement in the murder of Daniel Morgan. The direction for this course of action had been agreed by SIO* [Senior Investigating Officer] *David Cook.*'[1241]

702. At approximately 10.00 pm that evening, because of the time and Person J5's continuing concerns, DI Douglas Clarke decided that the attempt to take the statement should not proceed.

703. The police recorded contemporaneously that members of her family and acquaintances were also allegedly putting pressure on Person J5 not to give evidence.[1242] Messages were being passed to her via her partner's youngest daughter on 28 June 2009 that if she did not testify or make a statement, James Cook would make an apology and she would not be attacked again. The police were in her presence when some messages were received.[1243]

704. DI Douglas Clarke recorded repeatedly in his account of this period that no inducements were made to Person J5 to become a witness. He recorded that on 27 June 2009 she spoke to DC Nicholas Atherton and former DCS David Cook, and that on 28 June 2009 he was briefed that former DCS Cook had met with her again.[1244] DI Clarke recorded that, '*I am not certain as to the content of the meeting with SIO David COOK and* [Person J5]'.[1245] There is no note of the meeting.

705. Notes taken by the Abelard Two Investigation, between 26 June 2009 and 31 July 2009, indicated that Person J5 was willing to give evidence.[1246] Nicholas Hilliard QC, who was lead Counsel, and Jonathan Rees, barrister, recorded that Person J5's decision to become a witness on 26 June 2009 had created difficulties as the trial was due to begin in October 2009.[1247] It also appeared that she had information about criminal activity unconnected to Daniel Morgan's murder.[1248]

1238 Summary of Person J5 debriefs tape 91 – tape 140 including interviews, MPS107147001, p2, 03 March 2010.
1239 Decision log by DI Douglas Clarke, MPS080449001, p2, 17 November 2009.
1240 Decision log by DI Douglas Clarke, MPS080449001, pp2-3, 17 November 2009.
1241 Decision log by DI Douglas Clarke, MPS080449001, p4, 17 November 2009.
1242 Copy of original notes recorded by DC Nicholas Atherton during his dealings with Person J5 between 26 June and 31 July 2009, MPS005546001, pp9-10, 28 June 2009.
1243 Copy of original notes recorded by DC Nicholas Atherton during his dealings with Person J5 between 26 June and 31 July 2009, MPS005546001, pp9-10, 28 June 2009.
1244 Decision log by DI Douglas Clarke to review initial contact with Person J5, MPS080449001, p8, 17 November 2009.
1245 Decision log by DI Douglas Clarke to review initial contact with Person J5, MPS080449001, p8, 17 November 2009.
1246 Copy of original notes recorded by DC Nicholas Atherton during his dealings with Person J5 between 26 June and 31 July 2009, MPS005546001, pp14-15, 30 June 2009.
1247 Note on Disclosure of Debrief Interviews of Person J5, MPS106493001, p3, para 4, 16 March 2010.
1248 Note on Disclosure of Debrief Interviews of Person J5, MPS106493001, p3, para 5, 16 March 2010.

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706. Person J5 was interviewed by the Abelard Two Investigation on a number of occasions. On 01 July 2009, she gave a statement[1249] saying that James Cook had spoken to her several times about the murder of Daniel Morgan. She said that James Cook had told her many things, including the following:

i. '*There was something going on between Danny and Jon to do with a woman.*'

ii. '*Jon had gone to the Vian brothers as Danny was pissing him off. The Vian brothers did it as a favour to Jon as I think one was a brother in law to Jon.*'

iii. '*Jon asked Gary* [sic] *and Glen* [sic] *because he knew what they could do.*'

iv. '*Jon wanted Danny warned off the woman and also wanted Danny to be out of the business with him.*'

v. '*Jon arranged for Danny to meet him in a pub in Croydon in the evening or late afternoon.*'

vi. '*Jon and Danny had a row in the pub and Danny stormed out to go back to his car, which was in the pub car park.*'

vii. '*Jon knew that Jimmy and Gary* [sic] *and Glen* [sic] *were in the car park waiting for Danny*' and that '*Danny did not know that they were waiting for him*'.

viii. '*The nuttier brother, who I think is Gary* [sic], *then pulled out an axe from the boot of a car, put it in his jacket and then smashed it into Danny's head.*'

ix. '*He* (James Cook) *was not expecting the axe.*'

x. '*Jimmy said the Rolex watch was taken off Danny* [...] *later it was smashed when police were investigating.*'

xi. '*He said that they put Danny's body in the boot of the car with the axe and then they took the body back out. It was a bit of a panic, there was too much mess.*'

xii. '*Jimmy told me that he did not know about the plan to murder Danny* [....] *He thought that they were going to beat Danny up, give him a hiding and he was going to drive the car from the pub.*'

xiii. '*Jimmy said that the investigation did not get anywhere because of the police involvement as they were in Jon Rees' pocket.*'

707. Person J5 also provided evidence which was not related to the murder of Daniel Morgan but on alleged corrupt practices between Jonathan Rees and the *News of the World*, and between Jonathan Rees and some police officers.[1250]

708. Person J5 also described the attack on 26 June 2009 and the earlier telephone calls of 19 June 2009, in a statement made on 14 July 2009, in which she named her attackers.[1251]

1249 Witness statement Person J5, MPS090646001, 01 July 2009.
1250 Witness statement Person J5, MPS090646001, pp2-3, 01 July 2009.
1251 Witness statement Person J5, MPS079161001, p6, 14 July 2009.

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709. On 02 July 2009, Person J5 was taken into the care of the Witness Protection Unit.[1252]

710. As a consequence of the significance of what had been said by Person J5, and of her current situation, a decision was made on 10 August 2009, to debrief her, rather than just taking a witness statement.[1253] A psychological assessment of her was carried out on behalf of the Witness Protection Unit on 13 August 2009.[1254] It was recorded that she was taking anti-depressants for post-traumatic stress disorder[1255] and would require '*substantial support from the team*' as events progressed.[1256]

711. Person J5 entered the debriefing process on 12 August 2009. There were 85 debriefing sessions and they were completed on 26 October 2009.[1257]

712. On 12 August 2009, Person J5 wrote to members of Daniel Morgan's family expressing sorrow for not helping with the enquiry sooner but that she had been scared. She also wrote on the same day to former DCS David Cook saying that she was glad to give evidence and asking him to pass on the letter to the family of Daniel Morgan.[1258]

713. Iris Morgan was told about Person J5's evidence and given a copy of her letter during a family liaison visit on 13 August 2009.[1259]

714. The Abelard Two Investigation continued to investigate the Asda armed robbery (see section 6.8.1 above). This armed robbery, which occurred in 1998, should have been referred to the Metropolitan Police Specialist Crime Directorate for investigation. Despite this, it was investigated by the Abelard Two Investigation. It was a lengthy and complex investigation. The original investigation of the armed robbery by the Metropolitan Police Flying Squad was reviewed, and by 18 October 2010 a significant investigation had occurred including forensic investigation and phone data analysis. On 03 September 2009, Person J5 was again arrested and interviewed under caution. She made no response. In addition to Person J5, seven other suspects were arrested and charged in connection with the crime. The seven suspects, among whom was James Cook, had been re-bailed on a total of 34 occasions by October 2010. The report to the Crown Prosecution Service seeking advice stated that Person J5 provided accurate '*fine-grain detail*', and there were serious aggravating features in the case. The report concluded that '[i]*t is felt that it is in the public interest to prosecute those responsible*' for the robbery.[1260]

715. When the decision not to use Person J5 as a Prosecution witness in the Daniel Morgan murder case was made, this investigation was terminated.

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1252 Decision 1, Decision log by DI Douglas Clarke to review initial contact with Person J5, MPS080449001, p2, 17 November 2009.
1253 Decision 119, Decision log by DI Douglas Clarke, MPS080410001, 10 August 2009.
1254 Psychological assessment in respect of Person J5, MPS004302001, 01 September 2009.
1255 Psychological assessment in respect of Person J5, MPS004302001, p2, 13 August 2009.
1256 Psychological assessment in respect of Person J5, MPS004302001, p4, 01 September 2009.
1257 Debriefing interviews of Person J5, MPS090753001-MPS090837001, 12 August to 26 October 2009.
1258 Letter to DCS David Cook from Person J5, MPS109175001, pp28-30, 12 August 2009.
1259 Family liaison log in respect of Iris Morgan, MPS080107001, p1, 13 August 2009.
1260 Charging Advice Sought in Relation to the Robbery of Asda, EDN000128001, p58, undated.

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716. On 08 October 2009, Person J5 requested an agreement under the Serious Organised Crime and Police Act 2005 granting her immunity from prosecution in respect of the evidence she provided on a restricted use undertaking which would state that any information she provided could not be used against her in specified circumstances.[1261] She entered into an agreement under the Serious Organised Crime and Police Act 2005 on 17 October 2009.[1262]

717. By 09 October 2009, Person J5 had provided information of at least 51 past offences allegedly committed by James Cook.[1263] These included involvement in some 36 murders,[1264] offences of theft, possession of controlled drugs, possession of a prohibited weapon, arson, corrupting of police officers, burglaries, robberies, handling stolen goods, conspiracy to pervert the course of justice, a public order offence, money laundering, assault and attempted murder, forgery and dishonest handling, drug importation, grievous bodily harm, and other crimes including disposal of bodies, disposal of crime-related items and buying disguises to commit crimes.[1265] Person J5 had also admitted firing a gun into the body of a person who had just been shot dead and had offered to show the police where bodies were buried. Despite searches, no bodies were found. The Metropolitan Police expended significant resources attempting to corroborate the evidence provided by Person J5.[1266,1267]

718. On 14 October 2009, Person J5 gave a statement[1268] amending some information which she had provided on 01 July 2009 about Daniel Morgan's murder, saying that, '*I was then, and still am now, petrified off* [sic] *telling on Jimmy, and at the time I didn't know who I could trust and I didn't feel safe*'.[1269]

719. In her statement dated 14 October 2009, Person J5 said the following:

i. Although she had previously said that '*John wanted Danny warned off a woman and Danny to be out of the business and also he had spoken to Gary* [sic] *and Glen* [sic] *VIAN as he wanted something doing about it,*' she stated in her new statement that '*Jimmy actually told me that John REECE* [sic] *met up with the VIAN brothers and Jimmy and told them he wanted Danny to disappear, which Jimmy said meant killed*'.[1270]

ii. Although she had previously said, '*Jimmy was not expecting the axe*', she stated in the new statement, '*Jimmy actually said that the plan was to bundle him into a car and take him away somewhere quiet where he would be got rid of. Jimmy told me he was trying to bundle Danny into the car, he had grabbed Danny and opened the car door, there was big* [sic] *struggle, Jimmy continued and told me then the crazy brother of the two, that I had just met in the pub, pulled out an axe and hit Danny straight over the head with this axe. He then pulled the axe out of his head and hit him again in the head. He said the axe was sticking out of his head; he was lying on the floor with the axe sticking out of his head.*'[1271]

1261 Witness statement of Person J5, MPS079170001, 08 October 2009.
1262 Signed SOCPA agreement sent to the Crown Prosecution Service, MPS090656001, 17 October 2009.
1263 Debriefing Team Disclosure Summary Schedule (Amended) regarding Person J5, MPS090632001, 09 October 2009.
1264 MPS i2 Analyst Notebook 7, PNL000177001, p2, undated. Analysts chart on 36 murders – each given an individual operation name – and other crimes including assaults, stabbing, burglary, thefts, illegal drug supply, supply of firearms.
1265 Debriefing Team Disclosure Summary Schedule (Amended) regarding Person J5, MPS090632001, pp4-17, 09 October 2009.
1266 For example, see Debriefing notes in respect of Person J5, MPS004453001, 07 July 2010.
1267 Witness statement of former T/DCI Noel Beswick, MPS109748001, p46, para 165, 20 October 2016.
1268 Witness statement Person J5, MPS090647001, 14 October 2009.
1269 Witness statement Person J5, MPS090647001, p2, 14 October 2009.
1270 Witness statement Person J5, MPS090647001, pp1-2, 14 October 2009.
1271 Witness statement Person J5, MPS090647001, p2, 14 October 2009.

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iii. Although she had previously said that James Cook did not know about the plan to murder Danny, '[t]*his was totally untrue* […]'.[1272]

iv. Although she had said that the Rolex watch was taken and that someone had kept it, '*Jimmy told me that it was him that actually stole this watch and later smashed it up*'.[1273]

720. On 10 November 2009 and 05 January 2010, police reported to Counsel on the outcome of their enquiries into Person J5's testimony to date, saying that further information was required from Person J5.[1274] Counsel advised that the debrief should be resumed.[1275]

721. On 26 April 2010, Nicholas Hilliard QC[1276] and Jonathan Rees QC[1277] stressed to the Abelard Two Investigation the importance of ensuring that each allegation made by her '*had been the subject of targeted and focussed questioning* […] *so that we are in a position to make focussed and targeted enquiries into what she says so that we can fulfil our disclosure obligations*'.[1278]

722. Subsequent checks on the names of alleged victims provided by Person J5, revealed that they were contained on a missing person's website, suggesting that the names may have been taken from there, rather than representing information known personally to Person J5.[1279] DI Douglas Clarke recorded that she had:

> *'already been asked about her usage of computer aids, be it laptop, mobile phones or any other means onto the internet, plus, whether she has carried out any research using other mediums to bolster her testimony. She has emphatically denied the use of any aids, other than recall.'*[1280]

723. DS Peter Summers reported, '[t]*oward the end of her debrief there was suspicion that not all of her assertions were of a first hand nature.*'[1281] On 14 June 2010, DI Douglas Clarke decided to retrieve a Metropolitan Police laptop which had been supplied to Person J5 and her partner, '*to carry out covert checks* […] *to establish whether* [she] *has been viewing, particularly, "missing person sites", whilst supplying results as alleged victims in her interview transcripts*'.[1282]

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1272 Witness statement Person J5, MPS090647001, p2, 14 October 2009.
1273 Witness statement Person J5, MPS090647001, p2, 14 October 2009.
1274 Counsel advice, MPS109586001, p89, 20 January 2010.
1275 Counsel advice, MPS109586001, p89, 20 January 2010.
1276 Nicholas Hilliard was appointed Queen's Counsel in 2008.
1277 Jonathan Rees was appointed Queen's Counsel in 2010.
1278 Note from Nicholas Hilliard QC and Jonathan Rees QC, MPS109586001, p18, 26 April 2010.
1279 Decision 204, Decision log by DI Douglas Clarke, MPS080519001, 14 June 2010.
1280 Decision 204, Decision log by DI Douglas Clarke, MPS080519001, 14 June 2010.
1281 History of Investigations, MPS107450001, p8, 09 March 2011.
1282 Decision 204, Decision log by DI Douglas Clarke, MPS080519001, 14 June 2010.

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724. Questions had been asked previously about the initial information provided by Person J5 about the Asda robbery, and the Abelard Two Investigation had checked whether she was fabricating her evidence but came to the conclusion that she was not. When she began claiming detailed knowledge of historic crimes, officers should have made early checks to ascertain what information was available about those crimes on the internet and similar sources and should also have investigated whether she had accessed such sources of information. Had police identified the fact that she had begun researching some of the crimes about which she spoke, this would have enabled early discussion with her about whether she was fabricating evidence. Officers should have been aware she had access to a computer which she had used to undertake research. The Witness Protection Unit officers with Person J5 should have advised the Abelard Two Investigation of this.

725. On 25 June 2010, as a consequence of the rising concerns about the credibility of Person J5 as a witness, T/DCI Noel Beswick met two psychologists.[1283] The psychologists had previously been supplied with material related to Person J5 and concluded that she '*probably had Borderline Personality Disorder*'[1284] which, they said, meant that she had a tendency to want to please her debriefers and this was possibly what had occurred.

726. The psychologists believed that Person J5 had been telling the truth, in respect of the information she had supplied in 2006 and in her statement in July 2009 (concerning the murder of Daniel Morgan), because there had not been time for a bond to form and the information had remained consistent.[1285] T/DCI Noel Beswick said that the view of the psychologists on this was reinforced by the offer of James Cook to plead guilty, (to a lesser charge than murder), after Person J5's statement was disclosed in 2009.[1286]

727. On 07 July 2010, Person J5 wrote a letter to DI Douglas Clarke and former DCS David Cook.[1287] Person J5 expressed her regret for assisting the police and her distrust for the Crown Prosecution Service.[1288] In her letter she expressed anger at the suggestion that she had not been telling the truth saying:

> *'I did NOT want to open up these deeply disturbing memories, you insisted I told you everything I knew. For you to dare to imply I have lied in any way is a disgrace. What is my motive? What benefit do I receive for information that causes me a great deal of upset? I have a contract on my life, if my information was not correct then why would that be so? The veracity of the Statements made and all information I have given concerning crimes, is 100% accurate within the constraints of my memory.'*[1289]

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1283 Messages M1752, MPS074714001, and M1755, MPS074717001, both of 28 June 2010.
1284 Message M1755, MPS074717001, 28 June 2010.
1285 Message M1755, MPS074717001, 28 June 2010.
1286 Message M1755, MPS074717001, 28 June 2010.
1287 Letter from Person J5, MPS107216001, pp6-7, 07 July 2010.
1288 Letter from Person J5, MPS107216001, p6, 07 July 2010.
1289 Letter from Person J5, MPS107216001, p6, 07 July 2010.

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728. Person J5 also explained that she had been harassed for three years by the police into giving evidence.[1290] Person J5 said she would fulfil her obligations under her immunity agreement but would not disclose any other information to the Abelard Two Investigation as she had lost her life and family.[1291]

729. On 22 October 2010, T/DCI Noel Beswick made a decision that the Abelard Two Investigation should not continue to investigate the allegations made by Person J5, saying:

> *'*[Person J5]*'s account falls into two main phases, account before formal debrief and account during formal debrief. Her account before de-brief is broadly corroborated whereas her account during debrief is less so. Her actual role, if any, in the offences she describes during formal debrief is difficult to establish with any degree of certainty. Internet searches, purportedly made by her partner prior to her disclosure of the information found serves to exacerbate the concern.* [Person J5] *has also been evaluated by* […] *a forensic psychiatrist, on behalf of Prosecution Counsel.* [The forensic psychiatrist] *concluded that* [Person J5] *had no severe mental health issues, it is therefore understood that for whatever her reasons,* [Person J5] *consciously took the decision to provide the debrief team with the information she did.* [Person J5] *has given information about numerous murders, that she either claims knowledge of, or that she witnessed directly. Most involved Abelard II defendant, James Cook. Det. Chief Superintendent Hamish Campbell had directed that SCD1 Team 16 would take primacy for the investigation of these murders, so the decision as to the future progress of these matters will be referred to Mr Campbell. The actions "referred" by this decision relate to seeking corroboration as to persons described in debrief, locations described and other background information. Balancing potential expenditure in terms of resources and cost to the public purse against potential benefit to this investigation clearly indicates it would be an inefficient use of such resources to continue with these lines of enquiry. Material generated by the investigation to date has been disclosed to prosecution and defence legal teams.* [Person J5] *is not to be called as a witness, but it remains open to defence to carry out such further investigation as they deem necessary.'*[1292]

730. On 12 November 2010, Stuart Sampson of the Crown Prosecution Service wrote to Person J5 explaining that she was no longer to be a witness in the case. He explained that:

> *'*[…] *as part of the general obligation of the prosecution to ensure that defendants receive a fair trial, there is a duty on the prosecutor to disclose to the defence any material which might assist them or which might undermine the prosecution case. As far as you are concerned, I begin by thanking you on behalf of the Prosecution for coming forward in what were undoubtedly very trying circumstances. You entered a debrief process and made statements about your knowledge of the murder of Daniel Morgan and the criminal activities of those involved. There is no reason to suppose that what you said about the involvement of James Cook in the murder of Daniel Morgan is untrue. However, you went on to claim to have witnessed some 30 or more murders; you also showed the police sites where you claimed that bodies were buried. That information does not appear to have been accurate. Serious concern was also raised as it was clear that a computer to which both you and your boyfriend had access had*

1290 Letter from Person J5, MPS107216001, p6, 07 July 2010.
1291 Letter from Person J5, MPS107216001, p7, 07 July 2010.
1292 Decision 213, Decision log by DCS David Cook, MPS080528001, 22 October 2010.

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been used to research information about missing persons and criminals, which you then discussed with the debrief officers.'[1293]

731. Stuart Sampson also referred in his letter to the attack on Person J5 (see paragraphs 698-699 above) and explained that, '[d]*oubts were raised about the location and timing of the attack and also the identity of your attackers'* and '[…] *a fact emerged which undermined the prosecution case completely: on your mobile telephone was found a draft (ie unsent) message which referred to the attack and which was dated 02.29 in the morning, ie well before the time that you claimed for the attack.*' He also said that, '*it became clear that there was no longer a realistic prospect of conviction as the major aspects of your evidence were seriously undermined.'*[1294]

732. As Nicholas Hilliard QC, lead Prosecution Counsel, later explained to the Court on 18 November 2010 during the pre-trial hearings:

'By the middle of this year she was speaking of in the order of 30 murders.

Checks were instituted by the investigation team into their own witness, which was obviously the proper course to take, for example, excavations into a number of alleged burial sites, examination of her computer, and so on, and all that contributed to a decision on 18 October of this year that she would not be used in these proceedings by the prosecution.'[1295]

9.2 Former PC Dean Vian

733. Dean Vian joined the Metropolitan Police as a Police Constable in 2003. He was the adopted son of Garry Vian, had been arrested on 21 April 2008, and was suspended and under investigation by the Metropolitan Police for misconduct in public office, theft and breach of the Data Protection Act.[1296] He had failed to report the discovery on 31 July 2006 of the covert listening device which had been placed at Glenn Vian's home and he had been overheard offering to conduct an unlawful check on the Police National Computer for Glenn Vian and Kim Vian, although checks showed that he had not actually carried out the check.[1297] His case was referred to the Independent Police Complaints Commission on 22 April 2008.[1298] The Independent Police Complaints Commission decided to treat this investigation as a Supervised Investigation[1299].[1300]

734. A file was sent to the Crown Prosecution Service which stated that there was insufficient evidence to prosecute PC Dean Vian for misconduct in public office, for theft, or for Data Protection Offences.[1301] A decision not to prosecute was made by the Crown Prosecution Service on 21 August 2008.

1293 Letter from Stuart Sampson to Person J5, EDN001236001, pp1-2, 12 November 2010.
1294 Letter from Stuart Sampson to Person J5, EDN001236001, 12 November 2010.
1295 Hearing, p3, 18 November 2010.
1296 Witness statement of PC Dean Vian, MPS079156001, pp2-3, 17 June 2009; Advice file, MPS105621001, p8, 29 September 2008; File relating to PC Dean Vian, MPS108242001, pp18-22, 17 April 2008.
1297 Misconduct advice file of PC Dean Vian, MPS104561001, pp7-14, 29 April 2008.
1298 File relating to PC Dean Vian, MPS108242001, p32, 22 April 2008; Advice file, MPS105621001, p8, 29 September 2008.
1299 Prior to the legislation change in February 2020, Supervised investigation was a mode of investigation available to the Independent Police Complaints Commission. Under Supervised investigation, the police carried out the investigative work with oversight by the Independent Police Complaints Commission.
1300 Advice file, MPS105621001, p8, 29 September 2008.
1301 Crown Prosecution Service Advice re criminal offences Dean Vian, MPS104561001, pp86-88, 21 August 2008.

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735. In July 2008, while still under investigation, PC Dean Vian offered to assist the Abelard Two Investigation. He was the last witness to come forward to assist the prosecution. He was a serving police officer. The information which he finally gave in statement form included information that his stepfather, Garry Vian, had told him that:

i. He had not killed Daniel Morgan;

ii. His brother Glenn Vian and James Cook had committed the murder.

736. His mother had told him that:

i. Kim Vian bought the axe used to kill Daniel Morgan;

ii. Glenn Vian had killed Daniel Morgan and James Cook drove the getaway car;

iii. Glenn Vian and James Cook were each paid £8,000 for the murder, paid by Jonathan Rees;

iv. Daniel Morgan had been murdered over a woman both Jonathan Rees and Daniel Morgan liked and because Jonathan Rees wanted to get the business;

v. Glenn Vian and James Cook stole Daniel Morgan's watch and later smashed and buried it; and

vi. '*Sid FILLERY was there to mop it up from the police point of view.*'[1302]

737. PC Dean Vian resigned from the Metropolitan Police on 18 August 2009.[1303] His evidence was assessed as relevant by Nicholas Hilliard QC and Jonathan Rees, barrister.[1304] Former PC Dean Vian was to be used as a prosecution witness and his statement was disclosed to the Defence.

9.3 The arrest of Kim Vian

738. Police investigated the allegation by former PC Dean Vian that his mother had told him that Kim Vian bought the axe used to murder Daniel Morgan. Police visited a particular establishment identified by former PC Dean Vian, showed an axe identical to that used to murder Daniel Morgan to the manager and enquired whether it was likely to have been purchased from them. The manager had worked there for 30 years and was able to produce an old ledger which confirmed that the shop had never sold that particular type of axe. He had never heard of the name Vian.[1305]

739. Kim Vian, aunt of former PC Dean Vian and wife of Glenn Vian, was arrested on 15 June 2009 on suspicion of conspiracy to murder.[1306] She was asked about:

i. Information provided by Person X8 that Glenn Vian had murdered Daniel Morgan, that Person X8 had told former DS Sidney Fillery about it and that she, Kim Vian had confronted Person X8 about what he had said.[1307]

1302 Witness statement of Dean Vian, MPS079156001, pp3-4, 17 June 2009.
1303 Closing Report Operation Abelard II by DS Gary Dalby, MPS109597001 p4, 16 September 2011.
1304 Admissibility of the evidence of Dean Vian, CLA000230001, pp1-6, 29 January 2010.
1305 Action A2022, MPS068843001, 08 November 2008.
1306 Evidence and actions book Kim Vian, MPS079806001, 15 June 2009.
1307 Record of interview of Kim Vian, MPS109023001, pp2-3, 4.11pm to 4.30pm, 15 June 2009.

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ii. Information which had been received that she had bought the axe used to murder Daniel Morgan[1308]

iii. DNA which had been found on the murder weapon. She was told that police believed it was her DNA (see paragraph 209 above).[1309] She made 'No comment' answers to all the questions which she was asked.

740. There is on file a signed, handwritten statement of 15 June 2009 in which, among other things, she denied any involvement in Daniel Morgan's murder and said that police had never spoken to her previously.[1310]

741. There being insufficient evidence against her, no further action was taken.

10 The indictment against the five Defendants in 2008

742. There were two counts on the indictment which sets out the crimes alleged to have been committed. The first count on the indictment was for the murder of Daniel Morgan on 10 March 1987. Four of the Defendants were charged with this offence: Jonathan Rees, James Cook, Glenn Vian and Garry Vian.[1311]

743. The second count on the indictment was for doing an act tending and intended to pervert the course of justice. Former DS Sidney Fillery alone was charged with this offence. The particulars of the offence were as follows: '*Sidney Fillery on a day unknown between the 10th day of March 1987 and the 31st day of December 1987 with intent to pervert the course of justice, namely the investigation of the murder of Daniel Morgan, did an act which had a tendency to pervert the course of justice in that he made threats against the life of Gary Eaton and his family.*'[1312]

11 The court hearings in R v Rees and Others 2008-2011

744. There were a number of hearings in this case: some were for the purposes of considering whether those charged should be held in custody pending trial; others were pre-trial hearings to examine specific issues which needed to be determined before any trial could begin: in this case they related to the admissibility of Gary Eaton's evidence and various disclosure matters.

745. As stated above (see paragraph 69 above), disclosure counsel, Heather Stangoe, was appointed in July 2006 to oversee the disclosure of material for any forthcoming trial.[1313,1314]

746. At the outset, the Prosecution relied upon six main witnesses: Kevin Lennon, Person F11, James Ward, Person S15, Person X8 and, the Prosecution's principal witness, Gary Eaton. After the Defendants had been charged, three further witnesses provided evidence: Person D6, former PC Dean Vian, and Person J5.

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1308 Record of interview of Kim Vian, MPS109023001, pp5-9, 4.11pm to 4.30pm, 15 June 2009.
1309 Record of interview of Kim Vian, MPS109023001, pp8-9, 4.11pm to 4.30pm, 15 June 2009.
1310 Prepared statement of Kim Vian, MPS071363001, p2, 15 June 2009.
1311 Indictment re Fillery […] Vian […] Vian […] Rees and […] Cook […], MPS104086001, p2, 24 July 2008.
1312 Indictment re Fillery […] Vian […] Vian […] Rees and […] Cook […], MPS104086001, p2, 24 July 2008.
1313 Operation Abelard Oversight Panel Meeting, MPS108270001, p3, 9 August 2009.
1314 Terms of Reference of MPS/Crown Prosecution Service Abelard review, MPS109620001, p46, 26 July 2011.

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747. There were difficulties with many of the Prosecution's witnesses, a number of whom had come forward as a result of agreements made under the Serious Organised Crime and Police Act 2005 (for example see section 6.4 above). Other witnesses were known to have previously been involved in serious criminal activity or, as Mr Justice Maddison subsequently put it, they were '*serious villains*'.[1315] Others provided testimony based on hearsay evidence or provided conflicting accounts.[1316]

748. When the proceedings ended on 11 March 2011, only five main witnesses remained: Kevin Lennon, Person S15, Person X8, Person D6 and former PC Dean Vian. The other witnesses had been either abandoned by the Prosecution or their evidence had been ruled as inadmissible by Mr Justice Maddison.[1317]

11.1 The 2008 bail hearings

749. During 2008, there were a number of bail hearings before His Honour Judge Brian Barker QC.

750. Former DS Sidney Fillery who faced the lesser charge of attempting to pervert the course of justice was granted bail on 06 August 2008.[1318] The other four Defendants, Jonathan Rees, James Cook, Glenn Vian and Garry Vian, who were charged with murder, remained in custody until 03 March 2010.[1319]

751. Following an unsuccessful bail application by Jonathan Rees on 27 November 2008, His Honour Judge Brian Barker QC observed that '[Mr Christie QC] *submits that Mr Eaton in particular and the other prosecution witnesses in general are seriously flawed*,'[1320] and '[i]*n particular, Eaton is someone who has a history of psychiatric and alcoholic problems and is said by his wife to be a compulsive liar.*'[1321] The Prosecution conceded '*valid criticism can be laid at his* [Garry Eaton's] *door, and also the door of each of the other new witnesses*.'[1322]

752. The Prosecution made the decision to continue prosecuting the four Defendants who faced the charge of murder, despite the acceptance of the inherent problems caused by relying on Gary Eaton as a main witness. However, the flaws in Gary Eaton's evidence became more apparent in the months and years that followed.

753. The focus of the Prosecution's argument in the bail application was that Jonathan Rees had the means and propensity to intimidate witnesses, as well as the '*experience and contacts*' to abscond.[1323] These arguments were ultimately successful. His Honour Judge Brian Barker QC concluded:

> '*In looking at the overall picture, it is my view that the prosecution have established that there are substantial grounds for believing that the applicant will fail to surrender;*

1315 Record of proceedings, Central Criminal Court R v Rees, Fillery, Vian, Vian and Cook, CLA000204001 p173, 17 July 2009.
1316 Record of proceedings, Central Criminal Court R v Rees, Fillery, Vian, Vian and Cook, CLA000204001, pp170-173, 17 July 2009.
1317 Hearing, pp8-16, 11 March 2011.
1318 Successful bail application of Sidney Fillery before HHJ Barker at the Central Criminal Court, MPS104129001, pp2-4, 06 August 2008.
1319 Prosecution Application to further extend custody time limits, CLA000144001, pp1-2 and 25, 03 March 2010.
1320 Unsuccessful application for bail by Jonathan Rees, MPS104495001, p10, 27 November 2008.
1321 Unsuccessful application for bail by Jonathan Rees, MPS104495001, pp11-12, 27 November 2008.
1322 Unsuccessful application for bail by Jonathan Rees, MPS104495001, pp8-9, 27 November 2008.
1323 Unsuccessful application for bail by Jonathan Rees, MPS104495001, p8, 27 November 2008.

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and further, that if granted his liberty, that he will take the opportunity to obstruct the course of justice by interfering with witnesses and therefore the application, I am afraid, is refused."[1324]

11.2 The 2009 hearings

754. On 20 March 2009, Mr Justice Maddison ruled that the trial should begin on 05 October 2009. He also directed that the hearing of an application by the Defence, to stay the proceedings[1325] as an abuse of process of the court, should begin on 16 September 2009.[1326]

755. The court has an inherent power to stop proceedings if there has been an abuse of process[1327] in order to '*ensure that executive agents of the state do not misuse the coercive, law enforcement functions of the courts and thereby oppress citizens of the state*'.[1328]

756. Between 21 and 23 April 2009, there was a contested application to extend the Defendants' custody time limits. At this point, Jonathan Rees, James Cook, Glenn Vian and Garry Vian had already been imprisoned for a year, and the trial date had been postponed. Despite the Defence's arguments, His Honour Judge Brian Barker QC extended the custody time limit to 12 October 2009.[1329]

757. On 27 April 2009, Mr Justice Maddison directed that the hearing of the abuse of process application would be postponed to 12 October 2009, with the trial to follow if the abuse of process application failed. Mr Justice Maddison directed that custody time limits should be extended to 23 October 2009.[1330]

758. Following a hearing on 17 July 2009 Mr Justice Maddison ordered that a transcription service should be used for all subsequent hearings. These transcripts have provided the Panel with a much clearer account of how these later hearings unfolded as well as the causes of the eventual collapse of the Prosecution's case.

759. On 12 October 2009, Mr Justice Maddison considered the issue of jury protection in advance of any future trial and ruled that jury members should be referred to by number rather than name to anonymise them, something which was not strongly contested by the Defence.[1331] The more contentious issue was whether the jurors should be escorted to and from court by Metropolitan Police officers.[1332] The Defence expressed '*extreme concern about the idea of the Metropolitan police officers supervising the jury in any fashion*'.[1333] The Defence '*vehemently opposed*'[1334] the use of Metropolitan Police officers because of the civil actions brought against the Metropolitan Police following previous investigations of, and arrests relating to, the murder

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1324 Unsuccessful application for bail by Jonathan Rees, MPS104495001, p8, 27 November 2008.
1325 To stay proceedings: this is when a judge halts or terminates court proceedings.
1326 Hearing, p69, 18 December 2009.
1327 Hearing, p68,18 December 2009.
1328 *R v Looseley* [2001] UKHL 53; [2001] 1 W.L.R. 2060 per Lord Nicholls at [1]
1329 Judges ruling for custody time limit ruling application, MPS105032001, p7, 27 April 2009; and Submissions and ruling, EDN000265001, pp68-70, 18 December 2009.
1330 Hearing, pp68-70, 18 December 2009.
1331 Hearing, p56, 12 October 2009.
1332 Hearing, p2, 12 October 2009.
1333 Hearing, p57, 12 October 2009.
1334 Hearing, p56, 12 October 2009.

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of Daniel Morgan.[1335] Mr Justice Maddison agreed that some transportation arrangement to bring the jurors to court would be appropriate but asked the parties to look into the possibility of using police officers from another force.[1336]

11.3 The Abuse of Process Hearing

11.3.1 The applications

760. The abuse of process hearing began on 12 October 2009. The hearing, originally scheduled to last for a few days, continued for almost two months, such was the complexity and scale of the material which was required to be considered. As Mr Justice Maddison explained in his ruling on 18 December 2009, '*though I was aware that this was a case of some complexity, I had expected the applications to stay the proceedings to be dealt with in a matter of days rather than weeks. I had not anticipated the receipt in September and October of over 460 pages of written submissions, supported by more than eight lever arch files of supporting materials excluding files of legal authorities*.'[1337]

761. The initial issues raised by the Defence lawyers resulted from the delay in bringing proceedings. Many such issues concerned the evidential and procedural failures of the previous investigations (considered in previous chapters) which it was too late to rectify. The key matters raised were as follows:

i. Breach of Article 6 of the European Convention on Human Rights in that the matter had not been dealt with in a timely manner.[1338]

ii. '*The inadequacy of the original investigation, specifically:*

   a. *The failure of the original investigation properly to investigate the murder leading to the loss of important evidence, particularly forensic and scientific evidence*';[1339] and

   b. '*the Crown's belated reliance on DNA evidence*'[1340] relating to a hair found on the murder weapon which was no longer capable of analysis because in 2007 mitochondrial DNA testing (a destructive technique) had been carried out which prevented subsequent microscopic examination, or any other examination, taking place.[1341]

iii. Police failure to investigate around 40 different possible suspects for the murder of Daniel Morgan other than the Defendants.[1342]

iv. Numerous instances of the loss of witnesses, through death, ill-health or disappearance.[1343]

v. Insufficient information obtained from those witnesses who were interviewed.[1344]

1335 Hearing, p57, 12 October 2009.
1336 Hearing, p79-80, 12 October 2009.
1337 Submissions and ruling, EDN000265001, p71, 18 December 2009.
1338 Abuse of Process Skeleton Argument, MPS105535001, p3, 22 September 2009.
1339 Abuse of Process Skeleton Argument, MPS105535001, p3, 22 September 2009.
1340 Abuse of Process Skeleton Argument, MPS105535001, p3, 22 September 2009.
1341 Hearing, p144-145, 19 October 2009.
1342 Abuse of Process Skeleton Argument, MPS105535001, p4, 22 September 2009 and Hearing, p71, 18 December 2009.
1343 Abuse of Process Skeleton Argument, MPS105535001, p4, 22 September 2009 and Hearing, pp71 72, 18 December 2009.
1344 Hearing, pp116-145, 20 October 2009.

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vi. Instances of witnesses whose '*memories have demonstrably failed or apparently and disconcertingly improved*.'[1345]

vii. Police misconduct in relation to placing improper pressure on no fewer than 11 actual or potential witnesses.[1346]

viii. '*The loss of important documentation due to the effluxion of time, namely…:*

a. *accountancy and other original financial records for* [Southern Investigations]*;*

b. *legal papers dealing with the conduct of the Belmont Car Auctions case…;*

c. *legal papers dealing with the conduct of the inquest by* [Michael] *Goodridge,* [solicitor] *on behalf of* [Jonathan Rees]*;*

d. *legal papers dealing with the criminal case against* [Kevin] *Lennon and the script/ benefits which he received as a result of offering to provide evidence against* [Jonathan Rees]*;*

e. *legal papers relating to the case against* [Person F11] *for conspiracy to murder* [James] *Cook; and*

f. *legal papers in the Hill v Ward case.*'[1347] According to the Defence submissions, '*Ward maintains that the Vians offered to kill a man called* […] *whom Ward brought a repossession action against. It is alleged that they made incriminating comments in relation to the Morgan murder in this context* […]. *The account of the proceedings given does not correspond with his recollection of them. Copies of the County Court papers and* […] *defence file are no longer available*'[1348]

ix. Multiple failures in the disclosure process, both in the form of complete failures to disclose relevant documents and in the form of the late disclosure of documents.[1349] Disclosure was still ongoing nearly two years after the Defendants had been charged.

x. Use in the trial of many unproven allegations which would each need to be litigated at a pre-trial hearing in their own right.[1350]

xi. Adverse publicity surrounding the case and, in particular, material on the internet which could be accessed easily by jurors and witnesses.[1351]

762. During the pre-trial hearings serious allegations of police misconduct arose. These involved numerous factual disputes between the Prosecution and the Defence. Mr Justice Maddison decided that it would be necessary to embark on a pre-trial hearing to examine the allegations. He said:

'The allegations of police misbehaviour have been of considerable scale and complexity. These have been of misconduct of many different kinds on the part of

1345 Hearing, p71, 18 December 2009.
1346 Abuse of Process Skeleton Argument, MPS105535001, p4, 22 September 2009 and Hearing, p72, 18 December 2009.
1347 Abuse of Process Skeleton Argument, MPS105535001, p4, 22 September 2009.
1348 Abuse of Process Skeleton Argument, MPS105535001, p45, para 141 xiii, 22 September 2009.
1349 Abuse of Process Skeleton Argument, MPS105535001, pp4-5, 22 September 2009, and Hearing, p72, 18 December 2009.
1350 Abuse of Process Skeleton Argument, MPS105535001, p5, 22 September 2009.
1351 Abuse of Process Skeleton Argument, MPS105535001, p5, 22 September 2009.

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numerous different officers of the Metropolitan Police, some of very senior rank, over a period of several years.

The misconduct is said to have been so serious as to justify a stay of the proceedings on the grounds that it would not be fair to try the defendants even if, which the defendants dispute, it would be possible for them to have a fair trial.'[1352]

11.4 The pre-trial hearing on the alleged breach of the sterile corridor

763. Allegations were made that former DCS David Cook had had improper contact with Gary Eaton and had attempted to influence his evidence. Former DCS Cook informed the Panel on 07 March 2017 that he had asked 'Senior Management' '*for these matters to be fully investigated, along with other concerns that* [he] *held with regard to the ongoing corruption within the MPS* [Metropolitan Police Service] *affecting the Morgan case.*'[1353] He said that no such investigation had ever occurred.[1354]

764. Defence arguments relating to misconduct initially involved the allegation of a breach of the sterile corridor which had been required to protect the integrity of Gary Eaton's evidence. Those arguments expanded to include the influencing of witnesses more generally.[1355]

765. In his statement of 24 May 2007, Gary Eaton had said that his father had died '*about fourteen months ago.*'[1356] The Abelard Two Investigation had been informed by the Witness Protection Unit that Gary Eaton's father was still alive (see section 6.4.6 above). The Abelard Two Investigation was aware that if Gary Eaton's father were still alive, then it would be necessary to conduct a risk assessment to identify any risk against him as a consequence of his son participating in the debrief. DI Douglas Clarke was instructed to ask Gary Eaton (who was in prison at that time), through his Witness Protection Officer, whether his father was still alive. This had been done. As stated above, according to DI Clarke, the Witness Protection Officer informed DI Clarke '*that Gary Eaton's father was alive and well but due to a dispute, which caused a rife* [sic] *between them Eaton no longer wanted any contact with him.*'[1357] The Witness Protection Officer recorded that Gary Eaton advised contact with his sister for the last known address of father and he did not express any concerns about his father being contacted by police.[1358]

766. On learning about the visit to Gary Eaton in prison, DI Anthony Moore had reported that '[o]*n the facts available, it would appear that* [Gary Eaton] *has had information given to him by his witness protection unit officer acting on instruction given by DI CLARKE. In turn it appears DI CLARKE has been acting on instruction of more senior officers unknown*.'[1359] This report had not been disclosed to the Defence until 25 June 2009 and had therefore not been raised earlier in the proceedings.[1360] The Defence lawyers referred to this issue as '*Mooregate*'.

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1352 Hearing, pp72-73, 18 December 2009.
1353 Letter from former DCS David Cook to Baroness Nuala O'Loan, 07 March 2017.
1354 Letter from former DCS David Cook to Baroness Nuala O'Loan, 07 March 2017.
1355 Hearing, pp83-84, 18 December 2009.
1356 Witness statement of Gary Eaton, MPS003951001, p1, 24 May 2007.
1357 Statement of DI Douglas Clarke, MPS107945001, p400, 18 May 2009.
1358 Report to Commander Stuart Osborne by Gary Eaton's handler, MPS107945001, pp398-399, various dates.
1359 Report by DS Anthony Moore, MPS107945001, p396, undated.
1360 Abuse of Process Skeleton Argument, MPS105535001, p8, 22 September 2009.

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767. When giving evidence in court, DI Anthony Moore was asked whether the reason he initially reported the incident was '*because with integrity you felt it was the right thing to do because you thought that it may be that the debrief process had been rattled, if not more than that, damaged in such a way that it might be seen to be an abuse of process of the court?*' DI Moore simply replied '*Yes*'.[1361]

768. The Defence lawyers contended that the '*higher authority*', referred to by DI Anthony Moore was former DCS David Cook.[1362] Former DCS Cook said that he had '*tasked Doug Clarke to make enquiries through the protection officer to find out, you know, it was a basic question, "Tell us what the situation is with regards to your father", to Eaton*.'[1363]

769. David Whitehouse QC, for the Defence, said '*I think Moorgate* [sic] *is at the heart of this, because if we are correct in the inferences we invite the court to draw it goes to the bad faith of the current investigation squad. That must inevitably poison the whole fruits of this particular enquiry. That is why we attach so much importance to it.*'[1364]

770. Thirteen police witnesses,[1365] including former DCS David Cook, T/DCI Noel Beswick, DI Douglas Clarke, DI Anthony Moore and DS Gary Dalby were called to give evidence regarding '*Mooregate*'.

771. DI Douglas Clarke did not deny that police officers in the investigation team had breached the sterile corridor but contended that it was necessary in order to protect Gary Eaton's father's safety. The Defence argued that this was untrue and that the police officers in question knew that the only justification for breaching the sterile corridor was to protect someone in immediate danger. Therefore, the officers had fabricated an excuse that Gary Eaton's father was in danger, when really they just wanted to alert Gary Eaton to the fact that he had been caught out lying.[1366] DI Clarke has maintained to the Panel, in 2020, that he did view the safety of Gary Eaton's father as a pressing issue and that '*time was of the essence*'. He explained, '[w]*e were working in a climate where the defendants not only had the knowledge and abilities to corrupt others, but also sufficient offending history showing that nothing was off the table.*'

772. The Defence relied on a document completed on 15 April 2008 and written by T/DCI Noel Beswick which stated '[t]*here is no current intelligence to suggest an actual threat to the persons outside the witness protection scheme.*'[1367] The Defence argued that this document directly undermined the assertion that Gary Eaton's father was at risk.[1368] However, in February 2008 when he conducted the risk assessment, T/DCI Beswick had believed, as stated by Gary Eaton on 24 May 2007, that his father was dead.

773. When asked '*Do you agree that there had been a breach of the sterile corridors system?*' Former DCS David Cook responded, '*I agree that there had been a breach but I also say that this was an incredibly difficult set of circumstances for us to deal with.*'[1369]

1361 Hearing, p109, 17 November 2009.
1362 Hearing, pp44-55, 09 November 2009 and Hearing, p22, 10 November 2009.
1363 Hearing, p85, 01 December 2009.
1364 Hearing, p125, 02 November 2009.
1365 Submissions and ruling, EDN000265001, pp72-73, 18 December 2009.
1366 Hearing, pp32-35, 10 November 2009.
1367 Hearing, p97, 03 December 2009; Message M1058 from T/DCI Noel Beswick to DS Summers, MPS068421001, p1, 15 April 2008; Action A1884, MPS068421001, pp3-4, 30 April 2008 and Action A1884 to see […], MPS068420001, 30 April 2008.
1368 Hearing, pp97-100, 03 December 2009.
1369 Hearing, pp117-118, 01 December 2009.

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774. Former DCS David Cook also indicated during his evidence that he had thought it was permissible to approach Gary Eaton because he and/or the investigation team had thought that the debrief had been completed.[1370]

775. The Defence contended that DCS David Cook was in regular contact with Gary Eaton by telephone, and that he did not take any steps to prevent Gary Eaton calling him, and indeed, precipitated much of the contact.[1371] When challenged, former DCS Cook conceded that it was a 'two way process'[1372] and that he had also contacted James Ward (another Assisting Offender) by telephone.[1373]

776. It was also alleged by the Defence that Gary Eaton had been permitted to break the rules and had received '*preferential treatment*' at the behest of DCS David Cook.[1374]

777. Former DCS David Cook was also questioned about his contact with James Ward:

> *'You think that it is appropriate, do you, for the senior investigating officer to deal with a potential witness even if he wasn't at that stage an actual witness by saying, "Tell me what you know. I'll give you a head start. It was Glenn with the axe. Gary was there. Jimmy with a car. Over the car auction." You think that is an appropriate way, do you, for a senior investigation officer to behave?'*
>
> Former DCS Cook responded, '*Under the circumstances I don't see what was wrong with it because what we did was we went to see James Ward, right. He made it absolutely clear from the very beginning that there's no way he was ever going to be a witness in this case so, therefore, we moved on to try to find out what information he was going to give us.'*
>
> He was then asked, '*Once you've fed the information to him of course there is no way he could be a proper witness in this case uncontaminated by the information that you, the SIO, have fed him?'*
>
> He responded, *'Well that was a matter for the debrief and the Crown Prosecution Service to determine."*[1375]

778. David Whitehouse QC, Counsel for Glenn Vian, contended that DCS David Cook's behaviour was part of a pattern which could be traced back to his 2002 interview with Paul Goodridge,[1376] (see Chapter 6, Abelard One/Morgan Two Investigation) saying that DCS Cook had given Paul Goodridge assurances in 2002 that no one would pursue him for the murder of Daniel Morgan, even though he had been a main suspect during the Hampshire/Police Complaints Authority Investigation. David Whitehouse QC pointed out that DCS Cook had told Paul Goodridge, '*The conversation is in the hope that I can get something out so that I think* [...] *I think Cookie's there*'[1377] [this was a reference to James Cook], that police were looking at the Vian brothers and there was a £50,000 reward for information.[1378]

1370 Hearing, pp85-86, 01 December 2009.
1371 Hearing pp32-33, 03 December 2009.
1372 Hearing, p38. 09 December 2009.
1373 Hearing, p41, 09 December 2009.
1374 Hearing, pp117-126, 01 December 2009.
1375 Hearing, pp131-132, 03 December 2009.
1376 Hearing, pp8-29, 07 December 2009.
1377 Hearing, p12, 07 December 2009.
1378 Hearing, p16, 07 December 2009.

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779. David Whitehouse QC put it to former DCS David Cook: '*this is precisely in 2002 what we say you were doing with Ward and Eaton in later years? You have a potential witness. You are telling them the names of your suspects and you are telling them about the £50,000 reward.*'[1379] Former DCS Cook replied: '*This is a legitimate investigative practice. It was documented. It was taped. There was a decision made for my attendance at the scene that day. I wasn't going to go round and talk about the weather hoping we'd get some information about the murder*.' [1380]

780. The court then heard expert evidence from two consultant forensic psychiatrists concerning Gary Eaton's suitability as a witness and how easily he might be influenced.

781. Professor Nigel Eastman, a consultant forensic psychiatrist, provided expert evidence on behalf of the Defendants.[1381] His evidence focused on how personality disorders and psychopathy can lead to a propensity to untruthfulness and can also making lying harder to detect.[1382] He reviewed Gary Eaton's previous medical records which showed serious long-term behavioural problems and numerous consultations describing Gary Eaton's personality disorder which was of a psychopathic/sociopathic type.[1383] There was evidence of Gary Eaton's propensity to carry out violent attacks.[1384] Professor Eastman diagnosed Gary Eaton as having a severe antisocial or borderline personality disorder.[1385] Given the severity of his psychological problems Professor Eastman was of the opinion that an '*appropriate adult*,' as well as a solicitor, should have been present at Gary Eaton's debriefing interviews.[1386]

782. In addition, the court heard evidence from Dr Laurence Chesterman, another consultant forensic psychiatrist, who had been asked by the Prosecution to provide a report[1387] on Gary Eaton in response to Professor Nigel Eastman's report.[1388] Dr Chesterman contended that although Gary Eaton had severe personality problems, he did not have severe antisocial or borderline personality disorders, the two principal diagnoses which had been suggested by Professor Eastman.[1389]

11.4.1 Former DS Sidney Fillery

783. On 22 October 2009 Counsel for former DS Sidney Fillery, submitted that '*it would be seriously unjust, we contend, to put Mr Fillery on trial now for an allegation of having made a verbal threat in a public house to Mr Gary Eaton over 20 years ago because such a course would represent a cynical misuse of the justice system by a career criminal for his own advantage and to the inevitable detriment of Mr Fillery*'.[1390] The charge against former DS Sidney Fillery, who had been granted bail on 06 August 2008,[1391] relied on an allegation by Gary Eaton that he had been threatened by former DS Fillery.

1379 Hearing, p16, 07 December 2009.
1380 Hearing, p16, 07 December 2009.
1381 Hearing, p74, 26 October 2009.
1382 Hearing, pp100-101, 28 October 2009.
1383 Psychiatric Report Concerning Eaton, MPS105700001, p22, 18 October 2009.
1384 Hearing, pp73-75, 28 October 2009 and Psychiatric Report Concerning Eaton, MPS105700001, 18 October 2009.
1385 Psychiatric Report Concerning Eaton, MPS105700001, pp27-32, 18 October 2009.
1386 Psychiatric Report Concerning Eaton, MPS105700001, p27, 18 October 2009.
1387 Psychiatric Report on Gary Eaton by Chesterman, MPS107457001, 03 November 2009.
1388 Hearing, p3, 23 November 2009 and Psychiatric Report on Gary Eaton by Chesterman, MPS107457001, 03 November 2009.
1389 Hearing, p3, 23 November 2009.
1390 Extract of discussion from Hearing between Mr Justice Maddison and Counsel, CLA000139001, pp1-2, 22 October 2009.
1391 Successful bail application of Sidney Fillery before HHJ Barker at the Central Criminal Court, MPS104129001, pp2-4, 06 August 2008.

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784. Counsel for former DS Sidney Fillery also asserted that at least one other police officer,[1392] had been accused of serious corruption by Gary Eaton but no charges had been brought against him.[1393]

785. Despite these arguments, Mr Justice Maddison did not stay the indictment against former DS Sidney Fillery at this stage.[1394]

11.5 Application to extend custody time limits: 16 and 18 December 2009

786. Following the abuse of process hearing, there was a custody time limits hearing held on 16 and 18 December 2009,[1395] as the Defendants' custody time limits had been extended on a rolling basis throughout the proceedings.

787. The Defence made a number of objections to extending the Defendants' time in custody. Objections to the ongoing remand in custody of the Defendants included:

i. the fact that the Crown were aware of the '*Mooregate*' point (alleged breach of the sterile corridor between Gary Eaton and the Abelard Two Investigation) '*as long ago as October 2008*';[1396]

ii. the continued service of large amounts of additional evidence by the Prosecution;[1397]

iii. numerous disclosure issues;[1398] and

iv. delays in providing expert evidence.[1399]

788. Nicholas Hilliard QC conceded that time had been lost dealing with the abuse of process arguments, but that material had come to light during the course of the abuse of process proceedings.[1400]

789. Despite expressing certain reservations, particularly in relation to the Prosecution's continued reliance on the evidence of Gary Eaton,[1401] Mr Justice Maddison granted the application to extend custody time limits for Jonathan Rees, James Cook, Garry Vian and Glenn Vian to 01 March 2010.[1402] Acknowledging the huge task faced by the prosecution he stated:

> *'The extraordinary nature of the case has required the prosecution to undertake an exercise in disclosure of exceptional if not unprecedented proportions. They have had to consider what documents to disclose relating not only to the most recent investigation, itself of great length and complexity, but relating to all four of the earlier investigations. They have had to examine documents covering a period of more than 20 years. I am told that more than 500,000 pages of material have had to be examined in this connection. Remarkably further disclosable material is still being produced at the*

1392 Extract of discussion from Hearing between Mr Justice Maddison and Counsel, CLA000139001, pp10-11, 22 October 2009.
1393 Extract of discussion from Hearing between Mr Justice Maddison and Counsel, CLA000139001, pp10-11, 22 October 2009.
1394 Extract of discussion from Hearing between Mr Justice Maddison and Counsel, CLA000139001, p2, 22 October 2009.
1395 Hearing, pp1-142, 16 December 2009 and Submissions and Ruling, EDN000265001, 18 December 2009.
1396 Hearing, p49, 16 December 2009.
1397 Hearing, p57, 16 December 2009.
1398 Hearing, pp5-33, 18 December 2009.
1399 Hearing, p128-130, 16 December 2009.
1400 Hearing, p99, 16 December 2009.
1401 Submissions and ruling, EDN000265001, p67, 18 December 2009.
1402 Operation Abelard II Review, MPS109591001, p94, undated.

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present time in the form of the transcripts of the continuing debriefing interviews of the witness [Person J5]*'.*[1403]

790. Mr Justice Maddison made the following comments about Gary Eaton:

> *'Despite the combined features of Eaton's late arrival on the scene, his criminal and psychiatric history, his irresponsible, truculent and threatening attitude during the course of the debriefing, as it is alleged to have been, and despite further inconsistencies of account on his part and indeed numerous demonstrable lies on his part, he appears to be a witness on whom the prosecution rely and who they regard as important.'*[1404]

11.6 Early 2010 hearings

11.6.1 February 2010: the exclusion of Gary Eaton's evidence and the stay of proceedings against former DS Sidney Fillery

791. On 15 February 2010, following the arguments made by counsel in late 2009, during the abuse of process hearings, Mr Justice Maddison stated that '*I have concluded that should there be a trial then the evidence of Gary Eaton will be excluded pursuant to section 78 of the Police and Criminal Evidence Act of 1984*[1405]*. That is for a combination of reasons, which I will explain in detail and depressing length in a judgment to be handed down at a later stage*'[1406] having reached the conclusion that in all the circumstances Gary Eaton's evidence '*would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it*'. [1407]

792. At the same hearing, Mr Justice Maddison ruled that the proceedings against former DS Sidney Fillery, who was not charged with murder but with perverting the course of justice, were to be stayed:[1408,1409]

> *'In Count 2 of the indictment, Sidney Fillery alone is charged with attempting to pervert the course of justice. The essence of the allegation against him is that following the murder of Daniel Morgan on 10 March 1987, which is charged against the other four defendants in Count 1 of the indictment, Sidney Fillery, then a serving police officer, approached Gary Eaton, a potential witness to the murder, and threatened him not to say anything about the murder to anyone, or he, Eaton, would get the same.'*[1410]

1403 Operation Abelard II Review, MPS109591001, p86, undated.
1404 Hearing, p67, 18 December 2009.
1405 Section 78 of the Police and Criminal Evidence Act of 1984 provides that a court may refuse to allow evidence on which the prosecution proposes to rely to be given if it appears to the court that, having regard to all the circumstances, including the circumstances in which the evidence was obtained, the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it but that the trial should proceed.
1406 Extract from transcript of discussion between Mr Justice Maddison and counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, p1, 15 February 2010.
1407 Police and Criminal Evidence Act 1984, s 78.
1408 A stay of proceedings or 'stayed' is a ruling by the court in civil and criminal procedures, halting further legal process in a trial or other legal proceedings. This can be lifted and resumed based on events taking place after the stay is ordered. However, a stay is sometimes used as a tool to suspend proceedings indefinitely.
1409 Extract from transcript of discussion between Mr Justice Maddison and counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, p5, 15 February 2010.
1410 Extract from transcript of discussion between Mr Justice Maddison and counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, p2, 15 February 2010.

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793. Mr Justice Maddison added:

> *'Suffice it to say that the Prosecution's intended case against him depends solely on an account emerging for the first time nearly 20 years after the murder, and it is an account of a brief unrecorded conversation on a date unknown that could have taken place at any stage during the period, on Eaton's different accounts, of perhaps 18 months or so, now probably taking place some 22 or 23 years ago.*
>
> *The account is given by a single witness for whose delay in coming forward there is no good reason, whose credibility generally it seems to me there is substantial reason to doubt.'*[1411]

794. Mr Justice Maddison stated that it was '*of limited practical importance*' to stay the proceedings against former DS Sidney Fillery as an abuse of process as he had just excluded Gary Eaton's evidence, which had been the only evidence against former DS Fillery.[1412]

795. Members of the press were in attendance at the hearing. Mr Justice Maddison stated that in order to prevent any impingement '*on the integrity of any trial that may take place*' the press '*may report that* […] *Sidney Fillery was discharged in the only count that affects him*' but no more than that.[1413]

11.7 Disclosure problems

796. The Abelard Two Investigation was protracted and lengthy. Thousands of documents had to be disclosed between 2008, when the Defendants were charged, and 2011 when proceedings collapsed. Extensive work was carried out by those responsible for disclosure to meet the many and varied requests emanating from the Defence. This was in addition to ensuring the provision of all relevant material to the prosecution during the even longer period of 2006 to 2011.

797. Serious problems relating to disclosure began to emerge in 2009. The complexity of those problems and the discovery of additional documents caused significant confusion which resulted in further pre-trial hearings.

798. There were five sets of issues in relation to batches of documents:

i. 15-17 crates of materials about James Ward had been made available by the Directorate of Professional Standards to the Abelard Two Investigation in June 2007. Information about their content had been obtained by the investigation and the Directorate of Professional Standards had been advised that the crates could be returned to their secure storage with the proviso that access may be required in the future. None of their content was disclosed. Those crates were subsequently sent to the Abelard Two Investigation: 16 crates of documents were received on 19 November 2009, two further crates were received on 27 November 2009 (see paragraphs 805-823 below).[1414]

1411 Extract from transcript of discussion between Justice Maddison and counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, p4, 15 February 2010.
1412 Extract from transcript of discussion between Justice Maddison and counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, p3, 15 February 2010.
1413 Extract from transcript of discussion between Justice Maddison and counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, pp66-68, 15 February 2010.
1414 The Panel acknowledges that the total number of crates recorded to have been returned to storage in 2007 does not equal the number of crates which were recorded as having been sent to the Abelard Two Investigation in November 2009.

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ii. Eighty-one pages of documents relating to Person F11 were received by the Abelard Two Investigation in November 2009 (see paragraph 815 below).

iii. A further crate of material relating to Person F11 was received by the Abelard Two Investigation on 10 February 2010 (see paragraph 817 below).

iv. In March 2010, DS Gary Dalby learned that James Ward had been known by the pseudonym, Bert Roote and that documents relating to Bert Roote actually related to James Ward.[1415]

v. On 04 March 2011, police realised they also had in the Abelard Two Exhibits Room three crates of unscheduled material, the existence of which had not been disclosed.[1416]

799. This situation contributed to the decision to offer no evidence against the remaining defendants. The detail of what happened is described in the sections which follow.

800. Between 2006 and 2011, the Abelard Two Investigation was also dealing with other cases arising as a consequence of Gary Eaton's evidence, and of evidence from Person J5. Those cases required investigation and the preparation of evidence for disclosure. Two of them had reached the stage of trial in the Crown Court. Those cases should have been referred to the Specialist Crime Directorate for investigation. DCS David Cook made the decision to investigate them at the same time as he investigated Daniel Morgan's murder. There is no indication in any of the papers that further resources were applied for to enable to additional work.

The absence of proper oversight during this phase of the Abelard Two Investigation meant that there was no mechanism to identify and address the problems which had arisen. This would have put significant pressure on the disclosure officers. This should not have happened.

11.8 Application to extend custody time limits, 02 and 03 March 2010: further problems

801. On 03 March 2010, a further application was made by the Prosecution to extend the custody time limits for the four remaining Defendants, Jonathan Rees, Garry Vian, Glenn Vian and James Cook. Until this point, the Prosecution had argued successfully that they had acted with all '*due diligence and expedition*' satisfying the Court so that the Defendants continued to be held in custody.[1417] However, as stated above, by this stage the police were aware that they had major disclosure problems.

802. The police had known about these problems in December 2009 when they had successfully applied to extend the custody time limits of the four defendants who were remanded in custody. The police had not disclosed these facts to the lawyers acting for the Defendants nor to Mr Justice Maddison.

1415 Witness statement of former T/DCI Noel Beswick, MPS109748001, p60, para 226, 20 October 2016.
1416 Witness statement of former T/DCI Noel Beswick, MPS109748001, pp68-69, paras 245-247, 20 October 2016.
1417 R v Rees, Cook and the Vians: prosecution application for extension of custody limits, CLA000144001, 03 March 2010 and Prosecution of Offences Act 1985, s. 22(3).

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803. On 06 February 2007, the Detective Constable had emailed A/DCI Noel Beswick referring to the money laundering investigation into James Ward which resulted from Operation Bedingham (see paragraph 236 above) saying:

> *'*[A Detective Inspector] *and I have considered the position of our investigative material and where it impacts on your investigation.*
>
> *'In relation to your future responsibilities to CPIA, we believe that our investigation does impact and definitely links up with yours. Our material could well become an important disclosure issue for your team in the future. Stuart SAMPSON is aware of all our unused material* […]*'*[1418]

804. A/DCI Noel Beswick had forwarded the Detective Constable's email of 06 February 2007 to DCS David Cook.[1419] DCS Cook had replied to the Detective Constable on 06 February 2007 saying, '*I believe we should take responsibility for your material as it will be relevant to our investigation.*'[1420]

805. The Abelard Two Investigation had been aware that in addition to the Operation Bedingham investigation of James Ward and Garry Vian for drug offences for which they were convicted, and the consequential money laundering investigation of James Ward, there had been a previous money laundering investigation of James Ward and others which had resulted from Operation Two Bridges. A Detective Constable was asked to obtain the materials from this investigation. The Directorate of Professional Standards had then delivered between 15 and 17 crates of material to the Directorate of Professional Standards Financial Investigations Unit where information about their content was obtained by a Detective Constable of the Abelard Two Investigation who extracted copies of two files relating to the money laundering charges against James Ward and others to the Crown Prosecution Service and Counsel's advices. Former T/DCI Noel Beswick stated, in 2016, that it had been established that the Abelard Two Investigation already had copies of these documents and he and DCS David Cook made the decision that the crates could be returned to the Directorate of Professional Standards secure store '*with the proviso that Abelard II may need access to them in the future*.'[1421] The crates had then been returned to the Directorate of Professional Standards in June 2007.

806. During the hearing on 02 March 2010, T/DCI Noel Beswick said that he and DCS David Cook sent the crates back because they could not see the relevance of the money laundering investigation case to the murder of Daniel Morgan in 1987.[1422] Mr Justice Maddison was critical of this reasoning, later commenting that '*once we have a situation in which there were reasonable grounds to suspect* [James] *Ward of complicity in money-laundering irrespective of counsel's final decision then that would point to documents relating to the money-laundering being disclosable as regards credibility.*'[1423] Mr Justice Maddison went on to rule that the crates did contain important relevant disclosable material relating to James Ward's credibility as a witness, because it related to the money laundering charges.[1424]

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1418 Email to A/DCI Noel Beswick from the Detective Constable, MPS095805001, 06 February 2007.
1419 Email from A/DCI Noel Beswick to DCS David Cook, MPS095810001, 06 February 2007.
1420 Email from DCS David Cook to the Detective Constable, MPS095810001, 06 February 2007.
1421 Witness statement of former T/DCI Noel Beswick, MPS109748001, p53, para 197, 20 October 2016.
1422 Hearing, p38, 02 March 2010.
1423 Hearing, p80, 02 March 2010.
1424 Mr Justice Maddison Judgment, CLA000144001, p19, 03 March 2010.

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807. It was reported that in the intervening two and a half years, the Abelard Two Investigation had made several requests to the Directorate of Professional Standards for further material relating to the two witnesses, Person F11 and James Ward, but little or no material was forthcoming. Eventually, T/DCI Noel Beswick sent DI Douglas Clarke to the Directorate of Professional Standards' secure store on 16 November 2009 either to search the archives himself or take a statement from those who claimed to have searched the archives. Following that visit, the Directorate of Professional Standards identified 18 crates of potentially relevant material.[1425] Sixteen of these crates were sent to the investigation team on 19 November 2009. The two remaining crates were sent on 27 November 2009.

808. Initially, T/DCI Noel Beswick was not aware that these crates, which the Directorate of Professional Standards had produced, were the very same crates that had been in the Directorate of Professional Standards Financial Investigation Unit's possession in 2007 (see paragraph 805 above) and he was angry that they had been overlooked.[1426]

809. On 20 November 2009 at 6.15 pm, T/DCI Noel Beswick sent an email to DI Bernie Greaney at the Directorate of Professional Standards, which included the following passages: '*The murder case currently at the Old Bailey is in the most severe jeopardy because of this issue. We will have to review this material for disclosure, we will have to inform the defence we have this material,*'[1427] in relation to the upcoming custody time limits hearing which took place in December 2009 he continued: '[…] *how on earth we can show due diligence when the DPS has had this stuff all the time?*'[1428] AC John Yates, DCS Hamish Campbell and former DCS David Cook were copied into the email.[1429] AC Yates replied stating '*I am hugely unimpressed.*'[1430]

810. On the same day, 20 November 2009, at 6.22 pm, T/DCI Noel Beswick informed prosecution counsel, Nicholas Hilliard QC and Jonathan Rees, barrister, of the crates. Later that evening, Nicholas Hilliard QC had a telephone call with T/DCI Beswick to discuss it and had directed that the material should be examined.[1431]

811. On 22 November 2009, DS Gary Dalby wrote a briefing note for other members of the investigation team which stated: '*We are currently at court fighting an application to stay on the grounds of abuse of process. It is imperative this material is catalogued and assessed for the purposes of disclosure quickly and effectively.*'[1432] These documents show that T/DCI Noel Beswick was acutely aware of the urgent situation.[1433]

812. On 23 November 2009, AC John Yates, DCS Hamish Campbell, former DCS David Cook and T/DCI Noel Beswick, met with representatives of the Directorate of Professional Standards to discuss the crates of material.[1434]

1425 Hearing, pp42-44, 02 March 2010.
1426 Hearing, pp60-62, 02 March 2010.
1427 Email from T/DCI Noel Beswick to DI Greaney, CLA000147001, p2, 20 November 2009.
1428 Email from T/DCI Noel Beswick to DI Greaney, CLA000147001, p2, 20 November 2009.
1429 Email from T/DCI Noel Beswick to DI Greaney, CLA000147001, p2, 20 November 2009.
1430 Email from T/DCI Noel Beswick to DI Greaney, CLA000147001, p2, 20 November 2009.
1431 Email trail between T/DCI Noel Beswick and Nicholas Hilliard QC, November 2009 and March 2010.
1432 Other Document D3915, Briefing for officers, MPS105873001, p1, 22 November 2009.
1433 Mr Justice Maddison judgment, CLA000144001, pp14-15, 03 March 2010.
1434 Hearing, pp58-62. 02 March 2010.

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813. It is not known what happened at this meeting, but by 23 November 2009 those responsible for the Abelard Two Investigation were fully aware that there was a possible major problem of non-disclosure which had not been made known to the Court or those acting for the defendants. This would have put significant pressure on the disclosure officers.

814. Between 23 and 27 November 2009, '*the scheduling of the contents of the 16 crates was carried out* […] [a]*nd* […] *the scheduling of the contents of the other two crates was completed on the same day that they were received, namely the 27 November*'.[1435,1436]

815. In addition to the major problem concerning the material relating to James Ward, 81 pages of material relating to Person F11 had been found at another former Directorate of Professional Standards office in November 2009, and the Defendants had been advised of this prior to the hearing on 18 December 2009. On 21 December 2009, this material was disclosed to the Defendants.[1437]

816. On 12 January 2010, the Prosecution served a further disclosure schedule on the Defendants.[1438]

817. On 10 February 2010, DS Gary Dalby emailed all the Defence teams and invited them to inspect a crate of material relating to Person F11, which had been identified as a consequence of further enquiries and had been delivered to the Abelard Two offices that day.[1439] On 15 February 2010, a further disclosure schedule was served on the Defendants.

818. On 22 February 2010, the solicitor representing Glenn Vian who had gone to inspect papers which had previously been disclosed, discovered T/DCI Noel Beswick's email to DI Bernie Greaney of 20 November 2009 among the papers which had been disclosed (as set out above).[1440] This was the first time that Defence Counsel had become aware of the existence of the 18 crates[1441] and, as Mr Justice Maddison noted on 26 February 2010, '[i]*f she had not discovered it then, then this hearing, like the last hearing, would have gone off in ignorance of all of this*.'[1442]

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1435 Hearing, p65, 02 March 2010.
1436 The term 'schedule' refers to the process of reviewing and cataloguing documents to identify and summarise the key elements. It is designed to assist the disclosure team.
1437 R v Glenn Vian and others: opposition to the Crown's application to extend the custody time limits served on behalf of the Defence, CLA000155001, p6, 20 November 2009 and Witness statement of former T/DCI Noel Beswick, MPS109748001, p59, para 221, 20 October 2016.
1438 Disclosure schedule, MPS006949001, 12 January 2010.
1439 Witness statement of former T/DCI Noel Beswick, MPS109748001, p59, paras 221-222, 20 October 2016.
1440 Mr Justice Maddison judgment, CLA000144001, pp17–18, 03 March 2010.
1441 Hearing, pp115-116, 02 March 2010.
1442 Hearing, p32, 26 February 2010.

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819. In his statement in October 2016, prepared for the civil proceedings (see Chapter 9, Post Abelard Two), DS Gary Dalby stated that on the morning of 26 February 2010, outside court, when asked by Nicholas Hilliard QC whether he was aware of any material from within the 18 crates that undermined the prosecution case, he responded '*No*'.[1443] T/DCI Noel Beswick also noted that '*there was no undermining or assists material*' from the 18 crates.[1444]

820. A compilation schedule of the material in the 18 crates relating to James Ward was eventually provided to the Defence on 28 February 2010. A lever arch file containing copies of some of the material was provided to the Defence on 01 March 2010.[1445]

821. During the course of the opposed application to extend the custody time limits on 02 March 2010, the Defence expressed their significant concern about the sequence of events. In his evidence that day, T/DCI Noel Beswick could not '*pinpoint*' when he realised that the 18 crates were the same crates which were available in 2007 (see paragraph 805 above),[1446] but said it appeared to have been around the time when the crates were being scheduled in November 2009.[1447] Mr Justice Maddison noted that this '*must have come as quite a shock*'.[1448]

822. The Defence alleged that a decision had been made by the investigation team not to disclose the existence of the crates as it might '*imperil*' the extension of custody time limits.[1449] However, Mr Justice Maddison stated in his ruling that there was no evidence presented to suggest that the crates were deliberately concealed: '*I should like to make it clear that I have no reason to believe that I or the defence were deliberately misled.*'[1450]

823. Mr Justice Maddison's subsequent evaluation of this '*sorry tale*'[1451] was, however, damning: '[A] *clearer example of a lack of due diligence and expedition is difficult to imagine.*'[1452] As Mr Justice Maddison noted in his subsequent judgment: '*If I needed any support for the conclusion that there has been a lack of due diligence and expedition I would find it in the fact that the general process of disclosure is still continuing after all this time*'.[1453] He stated: '*I reach my conclusion about lack of due diligence and expedition based really exclusively, as I think I am entitled to do, on the sorry tale of the crates and their contents.*'[1454]

824. After giving his view that there were still '*substantial grounds to believe that if released on bail they would fail to attend*'[1455] and '*a suspicion that there will be interference with witnesses*'[1456] Mr Justice Maddison released Jonathan Rees, Garry Vian, Glenn Vian and James Cook on bail on 03 March 2010, following nearly two years of imprisonment, subject to the following bail conditions:

i. '*that they live and sleep at an address known to the police*';

1443 Statement of DS Gary Dalby used during Rees and Others v The Commissioner civil action at the Royal Courts of Justice January 2017, MPS100682001, p16, para 81, 20 October 2016.
1444 Email trail between TDCI Noel Beswick and Nicholas Hilliard QC, 03 March 2010.
1445 Hearing, pp76-80. 02 March 2010.
1446 Hearing, p63, 02 March 2010.
1447 Mr Justice Maddison judgment, CLA000144001, pp15-16, 03 March 2010.
1448 Mr Justice Maddison judgment, CLA000144001, p16, 03 March 2010.
1449 Hearing, pp25-28, 26 February 2010.
1450 Mr Justice Maddison judgment, CLA000144001, p22, 03 March 2010.
1451 Mr Justice Maddison judgment, CLA000144001, p21, 03 March 2010.
1452 Mr Justice Maddison judgment, CLA000144001, p22, 03 March 2010.
1453 Mr Justice Maddison judgment, CLA000144001, p23, 03 March 2010.
1454 Mr Justice Maddison judgment, CLA000144001, p24, 03 March 2010.
1455 Hearing, p35, 03 March 2010.
1456 Hearing, p36, 03 March 2010.

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ii. a curfew between 8.00 pm and 7.00 am as well as a 'doorstep' condition, which required each Defendant to present himself to a police officer at the door of the prescribed address at any time during the curfew period;

iii. that each defendant report to a police station every evening '*between 5 and 7 o'clock*';

iv. that each of the defendants surrender their passports or any other travel document within seven days;

v. that '*none of the defendants should apply for any further travel documents or passport*'; and

vi. finally, that '*each defendant must not contact or interfere with or cause surveillance to be conducted upon any police officer or prosecution witness in the case for any reason either in person or through a third party.*'[1457]

825. After this hearing, the parties continued to deal with the ongoing disclosure problems.

826. In March 2010, having already identified disclosure difficulties relating to James Ward and Person F11, DS Gary Dalby realised that James Ward had been known by the pseudonym, Bert Roote, and that documents relating to Bert Roote actually related to James Ward.[1458]

827. Nine months later, on 20 December 2010, after numerous enquiries were carried out by the Abelard Two Investigation team to locate documentation in relation to James Ward's previous informant details, DS Gary Dalby received an email from the owners of the national database '*confirming that James WARD, Bert ROOTE and Jack BAKER were all the same person.*'[1459] This meant that documentation which might be relevant to the prosecution of the four defendants had not been identified, and hence they had not been analysed or disclosed as might have been required.

11.9 Hearing 18 November 2010: Not Guilty verdict entered for James Cook and the exclusion of the evidence of Person F11

828. A further hearing was scheduled for 18 November 2010, and Mr Justice Maddison began the proceedings by informing Counsel that he had '*received a letter from solicitors acting on behalf of members of Daniel Morgan's family expressing concern about the delays that have been encountered in this case.*'[1460]

829. Nicholas Hilliard QC, lead Prosecution Counsel, then told the court that the Prosecution was offering no further evidence against James Cook. The evidence of Person J5, a key witness against James Cook, had been withdrawn due to her unreliability on 18 October 2010.[1461]

830. Hearsay evidence against James Cook was excluded by Mr Justice Maddison.[1462] Therefore, the only remaining evidence implicating James Cook in the murder of Daniel Morgan was the witness statement of Person F11 obtained in 1999, following Person F11's '*arrest for, among other things, soliciting the murder of*' James Cook.[1463] Person F11 had subsequently

1457 Hearing, pp36-38, 03 March 2010.
1458 Witness statement of former T/DCI Noel Beswick, MPS109748001, p60, para 226, 20 October 2016.
1459 Witness statement of former T/DCI Noel Beswick, MPS109748001, p66, para 235, 20 October 2016
1460 Hearing, p1, 18 November 2010.
1461 Hearing, pp2-4. 18 November 2010.
1462 Hearing, p4, 18 November 2010.
1463 Hearing, p4, 18 November 2010.

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claimed that this statement was '*taken from him under duress*' and that his solicitors had possession of a tape proving this.[1464] Person F11 would therefore have been a hostile witness, whose evidence could not be relied on.

831. On 18 November 2010, the Prosecution therefore offered no evidence against James Cook, having decided that there was no longer a realistic prospect of conviction '*given that the central evidence would be from a hostile witness and in particular from* [Person F11].'[1465] Mr Justice Maddison directed a verdict of not guilty against James Cook.

11.10 The second pre-trial hearing about the 18 crates of evidence, 17 January 2011 – 11 February 2011

832. Following the revelations in relation to the 18 crates (see paragraphs 808-826 above), the Defence argued that DS Gary Dalby had attempted to conceal the fact that there was disclosable material in the 18 crates, and that the police had deliberately contrived to mislead Prosecution Counsel and the court about the relevance of the material in the crates, so that the Defendants would remain incarcerated in December 2009.

833. A pre-trial hearing was therefore established to examine the circumstances surrounding the recovery and analysis of the contents of the 18 crates. The hearing began on 17 January 2011 and was brought to a close by intervening events on 11 February 2011. The court heard live evidence from the three police officers who were tasked with initially reviewing the crates: DS Nicholas Atherton,[1466] DC Christopher Winks[1467] and a Detective Constable.[1468]

834. Live evidence was also heard from DS Gary Dalby, T/DCI Noel Beswick and an officer serving in the Directorate of Professional Standards.[1469]

835. The three officers who initially reviewed the crates had all been appointed to disclosure duties on the investigation on 23 November 2009, the Monday after the crates had been discovered again. None of the three officers were part of the original disclosure team nor had they received the training necessary to either carry out a disclosure exercise or identify disclosable documents.[1470]

836. The job of the three officers was to schedule the documents in the crates, flagging any documents they thought might be relevant. These schedules were then sent to the disclosure team. Both the schedules and the material in the crates were then to be subject to a proper disclosure review by the disclosure team, which was led by DS Gary Dalby and included two Detective Constables and a Detective Sergeant.[1471]

837. Mr Justice Maddison encapsulated the purpose of the task of the three police officers in his question to DS Nicholas Atherton on 18 January 2011, '[…] *you understood that the disclosure team would review all the material for disclosure but your schedules would speed up their task?' DS* Atherton *replied, 'Yes.'*[1472]

1464 Hearing, p5, 18 November 2010.
1465 Hearing, p5, 18 November 2010.
1466 Hearing, pp10-107, 18 January 2011.
1467 Hearings, pp107-143, 18 January 2011; pp7-141, 25 January 2011; and, pp2-159, 26 January 2011.
1468 Hearing, pp2-80, 31 January 2011.
1469 Hearing, p55-58, 11 February 2011.
1470 Hearing, p119, 18 January 2011.
1471 Hearing, p49, 18 January 2011.
1472 Hearing, p73, 18 January 2011.

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838. DS Gary Dalby underwent eight days of examination and cross-examination about his handling of these matters. The core of the argument against him was that by the time the custody time limits hearing took place in February 2010, DS Dalby had had the 18 crates in his possession for over three months.[1473] Despite the initial scheduling of material no proper disclosure had taken place.

839. Mr Justice Maddison asked DS Gary Dalby, '*What, if anything, had been done between the completion of those schedules and the drawing up of the master schedule* […] *and 26 February? Let's concentrate on that day first.*' DS Dalby replied '*Unfortunately nearly nothing. That's my fault. I was just too busy.*'[1474]

840. However, Nicholas Hilliard QC in his submissions at the custody time limits hearing in February 2010, had indicated that he had been given the impression that there was nothing of relevance in the crates. He had therefore inadvertently misled the court as to the nature of the documents contained in the crates. There was no suggestion by the Defence or by Mr Justice Maddison that Nicholas Hilliard QC had deliberately misled the court.[1475]

841. The Defence argued that, logically, at some point prior to the custody time limit hearing, DS Gary Dalby would have been asked whether there was any material in the crates which undermined the prosecution or assisted the Defence and gave the impression to Prosecution Counsel that there was not.[1476]

842. DS Gary Dalby said that he had asked the three officers reviewing the crates to bring any such material to his attention and they had not. However, on the evidence of those three officers, and by DS Gary Dalby's own admission, those three officers were not disclosure officers and had not been provided with sufficient training to conclusively recognise documents which might undermine the Prosecution or assist the Defence.[1477]

843. Since the initial assessment of the crates had been carried out by officers who were unqualified to assist, it was agreed that no proper disclosure of this material was undertaken until March 2010.[1478]

844. By February 2010, DS Gary Dalby had begun amending the schedules of documents contained in the 18 crates. Mr Justice Maddison questioned DS Dalby about why he had amended entries in the schedule to read '*not relevant to Abelard. Does not impact on the case*'[1479] when he had not yet reviewed the documents to which the entries referred to:

> *'MR JUSTICE MADDISON: …All right it could have been changed, but you were putting down "does not impact on the case" before you had looked at the documents themselves?*
>
> *A. I was standardising the entry. That's all I was doing.*
>
> *MR JUSTICE MADDISON: Why not just leave it blank: "I haven't looked at these documents. I just can't express an opinion one way or the other." Why put down something that you were simply not able properly to put down?*

1473 Hearing, pp83-84, 31 January 2011.
1474 Hearing, p105, 31 January 2011.
1475 R v Glenn Vian and others: Defence closing submissions: 'Rootegate', CLA000162001, 25 February 2011.
1476 Hearing, pp97-100, 31 January 2011.
1477 Hearing, pp97-100, 31 January 2011.
1478 Hearing, p113, 31 January 2011.
1479 Hearing, p40, 1 February 2011.

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A. Because it hadn't been through the disclosure review. I think DC Winks – -

MR JUSTICE MADDISON: All right, exactly. "I'm sorry, I'm overwhelmed. I've got no time." If I may say so, purely personally I would have had every sympathy with that. "I just haven't had time. I'm not able to express an opinion one way or the other. Let's wait and see." Instead of which you have actually put down something which is just not right… and about documents that you hadn't inspected?"[1480]

845. On 19 January 2011, T/DCI Noel Beswick was informed that two crates of material relating to James Ward, under the pseudonym Jack Baker, had been found in a disused police station. In one of the documents there was an indication that James Ward had '*ordered an associate to kill another person, (person A). Person A was not killed* […]' but the information stated that '*James Ward threatened the same associate with death if he carried on business with person A.*'[1481] Throughout his debrief James Ward had maintained that he was not a violent person.[1482]

846. The discovery of this material seriously undermined the credibility of James Ward. As a consequence of these matters and the failure to identify the two other names used by police to refer to James Ward, the Prosecution finally decided that they could no longer rely on the evidence of James Ward and he was abandoned as a witness on 24 January 2011. Nicholas Hilliard QC asserted that this meant that by early 2011 the Prosecution had lost Gary Eaton, Person J5, James Ward and Person F11 as witnesses, leaving the case '*very finely balanced*'.[1483]

11.10.1 The four additional crates

847. On 04 March 2011, police realised they had in the Abelard Two Exhibits Room three crates of unscheduled material, the existence of which had not been disclosed. These three crates had been part of a delivery of four crates, identified as potentially relevant by the Directorate of Professional Standards and sent to the Abelard Two Investigation team on 03 March 2008. One of the four crates had been deemed not relevant by the Abelard Two Investigation team and returned to archive.[1484]

848. In his statement of October 2016, prepared for the civil proceedings (see Chapter 9, Post Abelard Two), former T/DCI Noel Beswick said that these three crates had remained in the Exhibits Store until 04 March 2011 '*overlooked by the exhibits officer and not brought to my attention. The exhibits officer's role was to schedule all exhibits from crates received and provide DS Dalby's disclosure team with non-exhibit material for their review. I believe that a genuine mistake was made by the exhibits officers who overlooked the three crates.*'[1485]

849. Former T/DCI Noel Beswick said that the documents in the crates were then scheduled as quickly as possible and 31 items were identified which had not previously been disclosed.[1486] DS Gary Dalby provided the completed schedule to Jonathan Rees QC.[1487]

1480 Hearing, pp40-41, 01 February 2011.
1481 Witness statement of former T/DCI Noel Beswick, MPS109748001, p68, para 244, 20 October 2016.
1482 Witness statement of former T/DCI Noel Beswick, MPS109748001, p68, paras 243-244, 20 October 2016.
1483 Final Hearing Transcript of R v Rees and Others, MPS107449001, p9, 11 March 2011.
1484 Witness statement of former T/DCI Noel Beswick, MPS109748001, p69, para 246, 20 October 2016.
1485 Witness statement of former T/DCI Noel Beswick, MPS109748001, p69, para 246, 20 October 2016.
1486 Witness statement of former T/DCI Noel Beswick, MPS109748001, p69, para 247, 20 October 2016.
1487 Witness statement of former T/DCI Noel Beswick, MPS109748001, p69, para 247, 20 October 2016.

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850. On 07 March 2011, Nicholas Hilliard QC informed the court of the discovery of the four further crates.[1488] All parties agreed to adjourn proceedings to consider their position in relation to this new material.

851. On 11 March 2011, the court reconvened, and Nicholas Hilliard QC informed all those present that the Prosecution had taken the decision to offer no evidence against each Defendant.[1489]

852. Nicholas Hilliard QC outlined the difficulty that the Prosecution had experienced regarding the loss of key prosecution witnesses, the complexity of the legal issues involved and the '*immense and unrelenting*'[1490] disclosure exercise. Nicholas Hilliard QC concluded:

> *'the time has come when the prosecution no longer feel that we are able to satisfy the terms of paragraph 3.5 of the Code for Crown Prosecutors* [[1491]] *to which I referred earlier. It seems to us that that is now the inevitable conclusion to be drawn from the combination of matters that I have outlined.*
>
> *'In addition, any jury's assessment of the available evidence would in our judgment inevitably and rightly be affected by the knowledge that the prosecution accept that we cannot be confident that the defence in this particular case necessarily have all of the material to which they are entitled.*
>
> *'In those circumstances it seems to the prosecution that the prospects of conviction are also significantly affected to the point that it can no longer be said that the evidential test in the Code for Crown Prosecutors is satisfied. Police, Crown Prosecution Service and counsel are all of this view.'*[1492]

853. Mr Justice Maddison entered not guilty verdicts against Jonathan Rees, Garry Vian and Glenn Vian and former DS Sidney Fillery.[1493]

854. Following their acquittal, under the 'double jeopardy rule', there could be no second trial of the Defendants as a person could not be tried twice for the same crime. However, exceptions to this rule now exist under the Criminal Justice Act 2003. If new evidence emerges, it is possible to make an application to the Court of Appeal to quash a person's acquittal and order a retrial.[1494] The Court of Appeal must make the order applied for if the prosecutor can show that there is both '*new and compelling evidence against the acquitted person in relation to the qualifying offence*'[1495] and that it is in '*the interests of justice*'[1496] for the order to be made.[1497] The Serious Organised Crime and Police Act 2005 provides for specific factors which must be taken into account by the Court in deciding if the order should be made.

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1488 Hearing, p1, 07 March 2011.
1489 Final Hearing Transcript of R v Rees and Others, MPS107449001, pp10-13, 11 March 2011.
1490 Hearing, p2, 11 March 2011.
1491 Paragraph 3.5 of The Code for Crown Prosecutors 2013 was the provision that '*Prosecutors should not start or continue a prosecution where their view is that it is highly likely that a court will rule that a prosecution is an abuse of its process, and stay the proceedings.*'
1492 Hearing, p10-11, 11 March 2011.
1493 Hearing, p12-13, 11 March 2011.
1494 Criminal Justice Act 2003, s 76(1).
1495 Criminal Justice Act 2003, s 78(1).
1496 Criminal Justice Act 2003, s 79(1).
1497 Criminal Justice Act 2003, s 77(1).

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855. On the basis of the evidence available and after the conclusion of the Abelard Two Investigation, the Metropolitan Police and the Crown Prosecution Service said that there was currently no prospect of a successful application to the Court of Appeal to order a retrial of Jonathan Rees, Glenn Vian, Garry Vian or James Cook (see Chapter 9, Post Abelard Two).

11.11 The Ruling of 25 March 2011 in relation to Gary Eaton

856. After the termination of the criminal proceedings against Jonathan Rees, James Cook, Glenn Vian and Garry Vian, Mr Justice Maddison handed down his judgment on Gary Eaton, which was originally intended to form part of a final judgment, on 25 March 2011.[1498]

857. Mr Justice Maddison had previously stated on 15 February 2010 that Gary Eaton was an extremely problematic witness for a number of reasons, including the fact that he had serious mental health issues, that there were multiple breaches of the sterile corridor required by the debriefing process, and that lawyers acting for the Defence had alleged that Gary Eaton had been prompted to give certain evidence. He had decided that his evidence would be excluded in any trial which might take place.[1499]

858. Mr Justice Maddison explained that he was issuing his judgment because '*Mr Eaton is a prosecution witness in the trial of another serious criminal case due to be tried beginning in or about September 2011 ("the September case"). I have been asked to deliver a judgment on my findings in relation to Mr Eaton in the case before me for the information of the judge, the prosecution and the defence in the September case. What follows is based on oral evidence given and documentary evidence presented during the Eaton voire dire.*'[1500]

859. In his subsequent judgment, Mr Justice Maddison described the various complex psychiatric and psychological reports which had been prepared at different stages of Gary Eaton's life, when he had received both inpatient and outpatient hospital treatment. His most recent inpatient treatment, before he became involved in the Abelard Two Investigation, had occurred between 21 October 2005 and 31 October 2005. Mr Justice Maddison described the preparations for the debrief, the significant and extensive difficulties experienced by both the Criminal Justice Protection Unit and the Witness Protection Unit in handling Gary Eaton and Person G23, and the debrief itself, with all the complexities resulting from the fact that Gary Eaton had to be accommodated for the greater part of his debrief.

11.11.1 The question of whether DCS David Cook prompted Gary Eaton

860. Having considered the way in which Gary Eaton's evidence developed (see section 6.4 above), Mr Justice Maddison stated, '*I conclude that DCS Cook probably did prompt Mr Eaton to implicate the Vian brothers*'. He also said that '*the fact that any prompting occurred, that it occurred in breach of the sterile corridor*' was '*extremely concerning*'. He was not able to determine whether it was the case that Gary Eaton had been prompted to name two people he would not otherwise have named, or whether it was rather a case of him being prompted to add '*details*' he would not otherwise have mentioned but in either case, he was '*satisfied there was improper prompting of some kind*'.[1501]

1498 Ruling of Mr Justice Maddison, MPS107506001, p3, para 9, undated.
1499 Hearing, p1, 15 February 2010.
1500 Ruling of Mr Justice Maddison, MPS107506001, p3, para 9, undated.
1501 Ruling of Mr Justice Maddison, MPS107506001, p36, para 167, undated.

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861. Mr Justice Maddison then went on to consider whether there had been improper prompting in relation to other Defendants. He expressed his anxiety that, given the level of unauthorised contact between DCS David Cook and Gary Eaton, the absence of comprehensive written records of their conversations and the understatement of the level of contact, there may have been.[1502]

862. Referring to the schedules of contact with Gary Eaton which DCS David Cook had prepared, Mr Justice Maddison said, '*It is clear in my view that DCS Cook seriously understated the frequency of his previous contact with Mr Eaton when he completed these schedules, and he probably did so knowingly. I could readily understand some omissions due to human error and/or lack of time. However, the stark fact is that the schedule in its final form referred to only one-sixth of the days on which contacts were actually made.*'[1503] He later said, '*DCS Cook was aware of the sterile corridor system and of its purpose but contacted Mr Eaton repeatedly in breach of the system. He continued to do so even after receiving directions and giving undertakings not to do so.*'[1504]

11.11.2 The question of whether Gary Eaton was 'tipped off'

863. Mr Justice Maddison also considered the issue of whether Gary Eaton had been 'tipped off' that he had lied that his father was dead, when this was not the case (see section 6.4.6 above), saying:

> '*The purpose of the approach to Mr Eaton in my view was in part at least to tip him off that he had been caught out lying about his father. I can see no other reason why DI Clarke should have told* [named police officer[1505]] *(as I accept he did) that there was information that Mr Eaton's father had given a statement to Jimmy Cook, who was out to "rubbish" Mr Eaton. I accept that additional witness protection issues would arise if Mr Eaton's father was alive. But had the only object of the exercise been to find out whether the father was alive or dead, the investigation squad could have done this without approaching Mr Eaton at all.*'[1506]

864. However, he said:

> '*my finding that Mr Eaton was tipped off that he had been caught out lying about his father's death and thus given the chance to think of an explanation would not by itself have led me to exclude his evidence. As already stated, as it happened he gave an explanation almost immediately and without prompting. The lie about his father did not affect the subject-matter of his anticipated evidence at trial itself. It did of course go to his credibility, but the matter could have been elicited before the jury in that regard at any trial that may have taken place.*'[1507]

865. The evidence provided to the court by various officers was not consistent and Mr Justice Maddison was critical of DI Douglas Clarke's manner when giving evidence, and of the fact that none of the officers, apart from the Witness Protection Officer and DI Anthony Moore, had contemporaneous records of what had happened. Mr Justice Maddison also commented

1502 Ruling of Mr Justice Maddison, MPS107506001, p36, para 167, undated.
1503 Ruling of Mr Justice Maddison, MPS107506001, p32, para 156, undated.
1504 Ruling of Mr Justice Maddison, MPS107506001, p34, para 166(b), undated.
1505 A member of the Witness Protection Unit.
1506 Ruling of Mr Justice Maddison, MPS107506001, p60, para 274, undated.
1507 Ruling of Mr Justice Maddison, MPS107506001, p64, para 287, undated.

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repeatedly on the failure by both DI Clarke and former DCS David Cook to keep records of their interaction and of their actions. Referring to the situation which developed relating to whether Gary Eaton's father was dead, Mr Justice Maddison said:

> *'DI Clarke made no notes at all at the time. He first committed himself to paper in a witness statement dated 18/5/09, some 10 months later. He said that he made no notes not because he had anything to hide, but because he expected the DPSWPU* [Directorate of Professional Standards Witness Protection Unit] *and in particular* [named police officer] *to make notes. We are left with the highly unsatisfactory state of affairs in which DCS Cook made no notes because he expected DI Clarke to make notes, and DI Clarke made no notes because he expected the DPSWPU to take notes. At one stage, DI Clarke went so far as to say that it would have been a waste of time to make any notes. In re-examination, his tone was more contrite. He accepted that he should have kept a note. It had been a learning curve.'*[1508]

866. In 2020, DI Douglas Clarke denied that he had intended to 'tip off' Gary Eaton and told the Panel that, had he so intended, he would have acted in secrecy, pointing out that the Witness Protection Unit made a written record of his contact, as he had expected it to do.

11.11.3 The question of whether DCS David Cook committed perjury when giving evidence on Gary Eaton's behalf on 18 October 2008

867. Referring to the question of whether former DCS David Cook had committed perjury when giving evidence on Gary Eaton's behalf at the hearing on 18 October 2008 at which Gary Eaton received three years imprisonment for the offences that he had admitted during his debriefing, rather than the 28 years which his offences would normally have attracted. Mr Justice Maddison said, '*I do not propose to set out the chronology of events relating to these matters, or to express conclusions in relation to them, except that I think it fair to DCS Cook to indicate that I would acquit him of perjury on 18/10/08.*'[1509]

11.11.4 The question of Gary Eaton's mental state

868. Mr Justice Maddison considered whether when he was debriefed, Gary Eaton had a mental illness or personality disorder. Having considered the evidence of Professor Nigel Eastman for the Defence and Dr Laurence Chesterman for the Prosecution, he concluded, '*that Mr Eaton suffers from a personality disorder, and has done throughout his adult life. Encompassed within his disorder is APD* [Antisocial Personality Disorder], *though he also exhibits features indicative of a BPD* [Borderline Personality Disorder] *and possibly other identifiable disorders, and indeed of a disorder not otherwise specified. From time to time, in my judgment, his condition has deteriorated into frank mental illness in the form of depression.*'[1510] He questioned therefore '*whether an appropriate adult should have been present when Mr Eaton was de-briefed; and if so, whether the absence of such a person should have been taken into account when considering whether his evidence should be excluded.*'[1511]

869. He said, '*In the present case, however, it should have been obvious from what Mr Eaton told DCS Cook and DS Dalby at his very first meeting with them on 26/7/06 that there were potential mental problems. I appreciate that DS Dalby said that such potential problems did not "jump out at me", and I also appreciate that I have the benefit of hindsight. The fact remains,*

1508 Ruling of Mr Justice Maddison, MPS107506001, pp58-59, para 268, undated.
1509 Ruling of Mr Justice Maddison, MPS107506001, p63, para 281, undated.
1510 Ruling of Mr Justice Maddison, MPS107506001, p43, para 189, undated.
1511 Ruling of Mr Justice Maddison, MPS107506001, p43, para 190, undated.

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however, that Mr Eaton said that he had been sleeping for only two hours a night, had recently lost a huge amount of weight, had been in a psychiatric unit in the past, his health was suffering and "they want me to go back in again".'[1512]

11.11.5 The reliability of Gary Eaton as a witness

870. Mr Justice Maddison said that since the prosecution had offered no evidence in relation to the '*Mooregate*' issue, (the issue of whether Gary Eaton had lied about his father being dead) it was not necessary for him to make a decision on the facts relating to this matter.[1513]

871. Finally, Mr Justice Maddison considered the reliability of Gary Eaton as a witness saying:

> *'Many features of the evidence placed before me would suggest that he was not reliable. He has a significant criminal record. He has a personality disorder which, amongst other things, renders him prone to telling lies, sometimes for no apparent reason. He has given different accounts at different times in relation to the day of Mr Morgan's murder. He has told many demonstrable lies, not least about his own mother and father. He demonstrated irresponsible, difficult and truculent behaviour during his de-briefing. I do not propose to repeat myself in this regard. Reference can be made to Mr Eaton's psychiatric history with which I have already dealt in some detail* […]
>
> *Mr Eaton is vulnerable to the criticism that as a SOCPA witness he is giving evidence for reasons of self-interest, having received a greatly reduced sentence for the many serious offences which he admitted in the course of his de-briefing.'*[1514]

872. He continued:

> *'Despite these many indicators of unreliability, I would not have excluded Mr Eaton's evidence because of them had they stood alone. The final assessment of the reliability of a witness is almost always one for a jury to make. All the indicators of unreliability in Mr Eaton's case could have been explored during a trial. And although it has not been necessary for me to form a final view, my strong provisional view is that it would have been right in this particular case to admit expert evidence to inform the jury of the possible impact of Mr Eaton's condition on his reliability as a witness.*
>
> *However, in this case it is highly relevant that the man who, as I have found, was prompted in relation to the account he gave and thus as to his evidence, was a man whose reliability as a witness was so open to scrutiny; and what I have described as Mr Eaton's indicators of unreliability have in that indirect way played an important part in my decision that his evidence would not have been admitted had there been a trial.'*[1515]

873. He concluded his judgment saying:

> *'this judgment is intended to amplify pronouncements I made in open court about my approach to Mr Eaton's evidence. I hope that it will also be helpful to the Judge and the parties in the future case in which it is anticipated that Mr Eaton will give evidence. However, entirely different considerations may apply in that case, about which I know*

1512 Ruling of Mr Justice Maddison, MPS107506001, p47, para 209, undated.
1513 Ruling of Mr Justice Maddison, MPS107506001, p63, para 281, undated.
1514 Ruling of Mr Justice Maddison, MPS107506001, p65, paras 290-291, undated.
1515 Ruling of Mr Justice Maddison, MPS107506001, p65, paras 292-293, undated.

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nothing. I would not presume to influence how the future case should be conducted, and this judgment should be seen in that light.'[1516]

874. In July 2011, following the issuing of Mr Justice Maddison's judgment, DCS Hamish Campbell wrote to Stuart Sampson warning of the implications of using Gary Eaton in any other forthcoming trial of resulting from Operation Haglight, which had been investigated by the Abelard Two Investigation (see paragraphs 504-521 above). He said, '*Personally I can see no merit in this witness at all and I am puzzled as to how he can now be regarded as a witness of truth for the new trial. The issues which the Judge commented upon affected Eaton's reliability and truthfulness in a broad context and was not solely focussed on his evidence as it related directly to the Morgan case. Whilst the prosecution, of course, is for the CPS to approve I feel compelled, in this case, to state my concerns*.'[1517]

875. DCS Hamish Campbell met with Counsel for the Prosecution in the forthcoming case (unrelated to the murder of Daniel Morgan), and again warned against using Gary Eaton as a witness. The prosecution proceeded, and that case also collapsed, on 19 September 2011 (see paragraph 517 above).[1518]

876. In November 2020, Stuart Sampson stated to the Panel that Operation Haglight was an unconnected case, in which Gary Eaton's evidence was corroborated and there was no evidence to suggest that it was untruthful. While the Panel accepts that some of Gary Eaton's evidence was corroborated, his credibility as a witness needed to be considered in light of his previous conduct during the Abelard Two Investigation and his previous history as was highlighted by DCS Hamish Campbell.

877. Gary Eaton should not have been used as a witness in the forthcoming case (unrelated to the murder of Daniel Morgan) given the state of knowledge about him in July 2011. The decision to use him as a witness was wrong, and it resulted in further costly processes and delay before the conspiracy to murder case was dismissed several months later.

878. On 16 September 2011, DS Gary Dalby submitted a closing report for the Abelard Two Investigation to D/Supt Hamish Campbell.[1519]

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1516 Ruling of Mr Justice Maddison, MPS107506001, pp65-66, para 294, undated.
1517 Collection of emails to/from Commander Simon Foy primarily from DCS Hamish Campbell concerning Operation Haglight and the decision whether or not to continue that case in light of Mr Justice Maddison ruling on Gary Eaton, MPS109603001, p5, 19 September 2011.
1518 Collection of emails to/from Commander Simon Foy primarily from DCS Hamish Campbell concerning Operation Haglight and the decision whether or not to continue that case in light of Mr Justice Maddison ruling on Gary Eaton, MPS109603001, p2, 19 September 2011.
1519 Closing Report of the Abelard Two Investigation, MPS109597001.

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12 The Panel's general conclusions

879. The primary evidence against the four Defendants accused of the murder of Daniel Morgan came from witnesses whose evidence was successfully excluded on applications made by the Defence. While it was correct for the Metropolitan Police to seek new witnesses after the submission of the Advice File to the Crown Prosecution Service in 2007, the early warnings by Counsel and others about possible contamination of two of the three main witnesses, particularly by contact with DCS David Cook, should have led to much swifter action. The absence of any proper functioning oversight process during the period from 2008 to 2011 by AC John Yates was unacceptable.

880. Although he denied any wrongful conduct, DCS David Cook was partially responsible for the exclusion of Gary Eaton's evidence by Mr Justice Maddison, because of his unauthorised contacts with Gary Eaton. In subsequent years, a High Court Judge, Mr Justice Mitting, and then the Court of Appeal found, on the balance of probabilities, that the behaviour reported by DI Anthony Moore formed part of a broader pattern of criminal activity by DCS Cook designed to influence and even fabricate the evidence of prosecution witnesses in Abelard Two (see Chapter 9, Post Abelard Two).

881. The Abelard Two Investigation did not deliver a proper process for those charged in connection with the murder of Daniel Morgan, or for former DS Sidney Fillery, as the success of the civil proceedings brought by former DS Fillery and by Jonathan Rees and Glenn Vian demonstrated (see Chapter 9, Post Abelard Two). Ultimately, the criminal proceedings against the Defendants charged with the murder of Daniel Morgan were withdrawn because of multiple failures in disclosure and because there were questions about the credibility of at least three of the witnesses, and credible allegations that DCS David Cook, the Senior Investigating Officer, had coached at least one of the witnesses.

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882. DCS David Cook does not seem to have engaged with the Abelard Two Investigation in a proper and continuous manner, and the absence of proper line management of him allowed this to continue. It is now known that, while fully employed by the Serious Organised Crime Agency, he was also engaged in the early stages of writing a book about the Investigation. He was proposing to write this book in conjunction with journalist, Michael Sullivan. The material available to the Panel indicates that he spent extensive periods of time working on this project, engaging with the BBC *Panorama* programme which was published three days after the end of criminal proceedings, and seeking to promote other projects of a similar nature. To enable these projects from 2006, he collected police materials without any permission to do so and shared vast quantities of material, some of it secret, with various journalists and others. These activities, together with his decision not to refer the cases arising as a consequence of the information received during the debriefs for investigation by the Specialist Crime Directorate, had a very significant impact on his ability to discharge his duties as the Senior Investigating Officer (see Chapter 9, Post-Abelard Two).

883. During the years from 2006 – 2011, former DCS David Cook was working full time at the Serious Organised Crime Agency while simultaneously acting as Senior Investigating Officer of one of the Metropolitan Police's most notorious unsolved crimes. Some very fine investigative work was done by officers of the Abelard Two Investigation, particularly by the Deputy Senior Investigating Officer, T/DCI Noel Beswick. Notwithstanding this, the Investigation as a whole was not afforded the appropriate levels of scrutiny, strategic direction and resourcing by senior management, particularly by AC John Yates, who refused to hand responsibility to others as his role changed and developed within the Metropolitan Police. It also created a lacuna within which DCS Cook was not managed by the Metropolitan Police and was able, by virtue of the seniority of his rank, to act freely in contravention of many established procedures and practices and in breach of his duties as a police officer.

884. The family of Daniel Morgan endured a long investigation, which started in 2006 and ended five years later. It involved a very lengthy pre-trial process which caused them great distress. In the end the arrangements put in place, particularly the decision to appoint DCS David Cook as Senior Investigating Officer and the arrangements which allowed former DCS Cook to act as 'Consultant Senior Investigating Officer' after his retirement from the Metropolitan Police, were not in the interests of the family of Daniel Morgan, those accused of his murder, the Metropolitan Police or the public.

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Chapter 9: Post-Abelard Two: Events after the acquittal of the Defendants in March 2011

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1 Introduction

1. After the acquittal of the five suspects in the Abelard Two Investigation, Jonathan Rees, James Cook, Garry Vian, Glenn Vian and former DS Sidney Fillery, there were a number of developments. These included the following:

   a. A review, commissioned by Commander Peter Spindler of the Metropolitan Police Directorate of Professional Standards on 11 January 2012, to determine whether any disciplinary offences had been committed by officers from the Abelard Two Investigation.

   b. A joint review by the Crown Prosecution Service and the Metropolitan Police of the Abelard Two Investigation and the prosecution that followed.

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c. An investigation by the Independent Police Complaints Commission (now the Independent Office for Police Conduct) into the passing of information by former DCS David Cook to journalist, Michael Sullivan. This investigation was known as Operation Longhorn.

d. Another review commissioned on 19 November 2012 by Commander Peter Spindler into complaints made by Jonathan Rees, and the 11 March 2011 ruling by Mr Justice Maddison at the conclusion of the pre-trial hearing. Following this review, a full investigation was carried out by the Special Investigations Team of the Directorate of Professional Standards into elements of Jonathan Rees's complaints (see section 5.1 below) and overlapping concerns raised by the judge, codenamed Operation Megan.

e. An investigation by the Independent Police Complaints Commission into an allegation made by Jonathan Rees that confidential information, belonging to him, was improperly disclosed to the BBC *Panorama* programme by former DCS David Cook and/or officers from the Abelard Two Investigation.

f. A civil claim brought against the Metropolitan Police by Jonathan Rees, Garry Vian, Glenn Vian and former DS Sidney Fillery, seeking damages for malicious prosecution and misfeasance in public office. The case was presided over by Mr Justice Mitting between 17 January and 10 February 2017. Former DS Fillery was successful in his claim for damages.

g. An investigation into the conduct of former DCS David Cook following comments made about him by Mr Justice Mitting, in the civil claim at the High Court in February 2017, that former DCS Cook had done an act which tended to pervert the course of justice by breaching the sterile corridor and prompting an Assisting Offender, Gary Eaton, to implicate Glenn Vian and Garry Vian in the murder of Daniel Morgan, and concealing the fact that he had done so from the Crown Prosecution Service and Prosecution Counsel. This investigation was known as Operation Megan Two.

h. An appeal by Jonathan Rees, Garry Vian and Glenn Vian to the Court of Appeal against the findings by Mr Justice Mitting in the High Court.

i. A systematic review of the content of the electronic devices recovered, during a search conducted by the Operation Megan Investigation, from the home of former DCS David Cook on 04 November 2014, and the subsequent investigation by the Metropolitan Police of possible breaches of the Data Protection Act 1998 which had not otherwise been dealt with. This investigation was known as Operation Edison.

2. In this chapter, the Panel examines the above events in turn, assessing the effectiveness of each review and investigation, and the conclusions that were reached. Due to the significant failings identified during the Abelard Two Investigation (see Chapter 8, The Abelard Two Investigation), the Panel also considers whether lessons have been learned by the Metropolitan Police.

1.1 Chronology of key events relating to Post-Abelard Two

- **11 March 2011** The Prosecution discontinued its case against the suspects in the Abelard Two Investigation.

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- **14 March 2011** The BBC *Panorama* programme '*Tabloid Hacks Exposed*' was broadcast.
- **29 March 2011** The Crown Prosecution Service and the Metropolitan Police began a review of the Abelard Two Investigation.
- **31 March 2011** A formal apology was made by the Acting Commissioner of the Metropolitan Police, Tim Godwin, to the family of Daniel Morgan.
- **May-December 2011** After a general audit of email contact between journalists and police officers by the Metropolitan Police, emails were discovered between former DCS David Cook and journalist Michael Sullivan. Some of the emails included unauthorised disclosure of documents to Michael Sullivan. The Serious Organised Crime Agency made a referral to the Independent Police Complaints Commission.
- **10 January 2012** Former DCS David Cook was arrested on suspicion of committing misconduct in public office and offences contrary to Section 55 of the Data Protection Act 1998. Following an initial 'no comment' interview, he was released on bail pending further enquiries to be carried out by the Independent Police Complaints Commission.
- **11 January 2012** Commander Peter Spindler commissioned a review of the Abelard Two Investigation into possible disciplinary offences committed by officers involved in the case. D/Supt Mark Mitchell carried out this review.
- **30 January 2012** Jonathan Rees made a formal complaint to the Independent Police Complaints Commission. He made four allegations.
- **13 February 2012** D/Supt Mark Mitchell completed a report after his review.
- **May 2012** The Crown Prosecution Service and the Metropolitan Police completed a report on their review of the Abelard Two Investigation.
- **November 2012** After a referral by the Independent Police Complaints Commission regarding Jonathan Rees's complaint, Commander Peter Spindler commissioned a review of the complaint. D/Supt Fiona McCormack carried out this review.
- **19 April 2013** D/Supt Fiona McCormack completed a report after her review.
- **10 May 2013** The Home Secretary, Theresa May MP, announced the setting up of the Daniel Morgan Independent Panel.
- **July 2013** Former DCS David Cook retired from the Serious Organised Crime Agency.
- **January 2014** Operation Megan began. This was an investigation into complaints made by Jonathan Rees, and comments made by Mr Justice Maddison after the acquittal of the Defendants on 11 March 2011.
- **21 January 2014** Jonathan Rees was interviewed by Operation Megan investigators. He raised additional complaints.
- **September 2014** The Independent Police Complaints Commission sent an advice file on its investigation, Operation Longhorn, into former DCS David Cook's unauthorised disclosure of documents to Michael Sullivan, to the Crown Prosecution Service.

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- **04 November 2014** After a warrant was obtained by Operation Megan, former DCS David Cook's home was searched. As Operation Megan had limited Terms of Reference, a separate investigation was launched, by the Metropolitan Police, into materials seized from former DCS Cook's home. This investigation was known as Operation Edison.
- **08 January 2015** Operation Megan investigators referred the allegation that confidential information belonging to Jonathan Rees was unlawfully disclosed to the BBC *Panorama* programme (as contained in Jonathan Rees's complaint), to the Independent Police Complaints Commission.
- **29 September 2015** The Crown Prosecution Service produced a charging advice on Operation Longhorn and it was decided not to prosecute former DCS David Cook.
- **14 December 2016** The Independent Police Complaints Commission completed its investigation into Jonathan Rees's complaint that confidential information belonging to him was unlawfully disclosed to the BBC *Panorama* programme. No file was referred to the Crown Prosecution Service.
- **03 January 2017** A final report from the Independent Police Complaints Commission with regard to the 14 December 2016 report was completed. This report clarified why the investigation was not referred to the Crown Prosecution Service.
- **17 January 2017** Jonathan Rees, former DS Sidney Fillery, Garry Vian and Glenn Vian brought a civil claim in the High Court against the Metropolitan Police seeking damages for malicious prosecution and for misfeasance in public office.
- **February 2017** A report on Operation Megan's findings was completed but no file was referred to the Crown Prosecution Service as no criminal offences were identified as being committed.
- **17 February 2017** Mr Justice Mitting held that the Metropolitan Police was liable for misfeasance in public office in relation to the prosecution of former DS Sidney Fillery, but the claims of the other three Claimants failed. None of the four Claimants was successful in their claims for malicious prosecution.
- **21 March 2017** The Metropolitan Police opened a new investigation into the conduct of former DCS David Cook following comments made about him by Mr Justice Mitting in February 2017. This investigation was known as Operation Megan Two.
- **06 December 2017** The Operation Megan Two Report was completed and referred to the Crown Prosecution Service.
- **July 2018** A Court of Appeal judgment was delivered: Jonathan Rees, Garry Vian and Glenn Vian were successful with their appeal against Mr Justice Mitting's judgment of February 2017 for misfeasance and malicious prosecution.
- **November 2018** After reviewing Operation Megan Two's file, the Crown Prosecution Service decided not to prosecute former DCS David Cook. Jonathan Rees appealed against this finding.
- **31 July 2019** After their successful appeal against the 2017 judgment by Mr Justice Mitting, damages were awarded to Jonathan Rees, Garry Vian and Glenn Vian.

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- **September 2019** The Operation Edison file was referred by the Metropolitan Police to the Crown Prosecution Service for investigatory advice.
- **01–02 April 2020** After reviewing the Operation Edison file, the Crown Prosecution Service provided investigatory advice to the Metropolitan Police who subsequently decided not to proceed further with the investigation into former DCS David Cook.

2 The Disciplinary Review: January-February 2012

3. On 11 January 2012, Commander Peter Spindler requested a review of the Abelard Two Investigation. D/Supt Mark Mitchell of the Directorate of Professional Standards, who conducted the review, stated in his report that his review was '*in terms of possible disciplinary offences committed by officers involved in the case*'.[1]

4. D/Supt Mark Mitchell was directed to conduct the review using three documents:

i. the judgment of Mr Justice Maddison, dated 11 March 2011;

ii. a case summary produced by Jonathan Rees QC; and

iii. a short closing report for the Abelard Two Investigation, which had been prepared by DS Gary Dalby.[2]

5. The Terms of Reference for the review were as follows:

- '*The review will be completed based only on the documents detailed.*
- *The aim of the review is to identify any prima-facie evidence of criminal or misconduct offences committed by officers.*
- *If such offences are identified to detail the evidence on which they are based.*
- *If such offences are identified detail the necessary steps/investigation that would be required to progress the matter.*
- *Consider the proportionality of conducting further enquiries/instigating disciplinary proceedings if offences are identified.*
- *Provide recommendations setting out the most appropriate way forward.*'[3]

6. D/Supt Mark Mitchell took legal advice as to the situation resulting from the fact that former DCS David Cook had been a Metropolitan Police officer and had then moved to the Serious Organised Crime Agency.[4] The report dated 13 February 2012 by D/Supt Mitchell was completed while former DCS Cook was still employed by the Serious Organised Crime Agency, which he left in July 2013. He was correctly advised that the Metropolitan Police could not take disciplinary action against former DCS Cook because he had retired from the Metropolitan Police, but that there should be consideration of communicating any findings to former DCS Cook's current employer, the Serious Organised Crime Agency.

1 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p4, 13 February 2012.
2 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p4, 13 February 2012.
3 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p4, 13 February 2012.
4 Discipline Review by D/Supt Mark Mitchell, MPS109704001, pp16-17, 13 February 2012.

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7. In his report, D/Supt Mark Mitchell concluded:

   i. He had concerns about the way that Gary Eaton was managed and the breaches of the sterile corridor.[5] (The purpose of the 'sterile corridor' is to ensure complete separation between the debriefing of a witness and the investigation team so as to protect the integrity of the evidence which the witness subsequently gives).

   ii. He did not believe that there was clear evidence of a criminal conspiracy to implicate '*the brothers*' [Glenn Vian and Garry Vian] within the documents which were available to him.[6]

   iii. Within Mr Justice Maddison's ruling, there was prima facie evidence of possible criminal and misconduct offences. These related to former DCS Cook's contact with Gary Eaton and Mr Justice Maddison's conclusion that '*on the balance of probabilities*' former DCS Cook did prompt Gary Eaton.[7]

   iv. Significant investigation would be needed to prove or disprove the initial findings of Mr Justice Maddison to a criminal or misconduct threshold.[8]

8. D/Supt Mark Mitchell noted that '[t]*he documents do raise several matters that as an organisation should be noted in relation to the management of Resident Witnesses. These issues have been raised previously from similar cases.*'[9]

9. D/Supt Mark Mitchell described the actions of former DCS David Cook as being '*poor practice*',[10] which fell short of criminal conduct.

10. D/Supt Mark Mitchell also examined the conduct of DI Douglas Clarke who, acting on instructions from former DCS David Cook, had arranged for Gary Eaton to be spoken to about the fact that he (Gary Eaton) had stated that his father was dead, when in fact he was still alive. It had been alleged that this had compromised the integrity of the debrief of Gary Eaton (see Chapter 8, The Abelard Two Investigation). DI Clarke gave evidence on this matter to Mr Justice Maddison.

11. D/Supt Mark Mitchell concluded that DI Douglas Clarke had been '*a poor witness who gave inconsistent evidence*'. He cited no evidence to show that DI Clarke may have committed a criminal offence, although he said: '*It may be that there is prima facie evidence of offences against him regarding the tipping off* […]', but '*it is difficult to decide if HH* [Mr Justice Maddison] *believed Clarke to be responsible for the "tipping off"*'.[11]

12. D/Supt Mark Mitchell considered the weight of the evidence available, and whether there was a public interest in conducting further investigation. He stated that any criminal investigation would seek to prove or disprove that '*DCS Cook and DI Clarke were guilty of attempting to pervert the course of justice*'. His overall conclusion was that a full investigation

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5 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p9, 13 February 2012.
6 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p9, 13 February 2012.
7 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p10, 13 February 2012.
8 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p10, 13 February 2012.
9 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p10, 13 February 2012.
10 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p7, 13 February 2012.
11 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p12, 13 February 2012.

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into the misconduct identified by Mr Justice Maddison would '*take in excess of 18 months to complete. I do not believe this to be an appropriate use of MPS* [Metropolitan Police] *resources.*'[12]

13. D/Supt Mark Mitchell had become aware of the fact that on 10 March 2011 an email had been sent from former DCS David Cook to Michael Sullivan, Chief Crime Reporter at *The Sun* newspaper. The email had included confidential information sent between the solicitor for Daniel Morgan's family and AC John Yates, into which former DCS Cook had been copied. On 26 May 2011, during a meeting with Commander Simon Foy, former DCS Cook had been given an informal verbal warning in relation to his future conduct (see paragraphs 125-127 below).

14. D/Supt Mark Mitchell concluded his report as follows:

> '*No public complaint has been made to my knowledge. The comments made by the judge highlight concerns regarding, what appear to be issues with the maintenance of sterile corridors and fall short of criminal conduct. The issue that may need to be considered is whether this is poor practice or misconduct. Without evidence to the contrary I believe this to be poor practice on the part of the SIO* [Senior Investigating Officer].
>
> '*I respectfully recommend that no further action is taken in terms of potential offences at this time and that the MPS* [Metropolitan Police] *awaits the result of the independent investigation and consultation with SOCA* [the Serious Organised Crime Agency] *before embarking on any inquiry of its own. I believe that the communications between Mr Cook and Mike Sullivan should be brought to the attention of Operation Elveden*.'[13]

15. Given the complexity of the issues dealt with in Mr Justice Maddison's judgment, the three documents, mentioned at paragraph 4 above, comprised an inadequate basis upon which to form a conclusion as to whether any further disciplinary investigation was required, or '*whether there was any prima facie evidence of misconduct committed by officers*'. D/Supt Mark Mitchell's report acknowledged the gravity of the allegations made by Mr Justice Maddison; however, because he had not seen the evidence, as he said, D/Supt Mitchell's conclusion was not justified.

3 The joint review by the Crown Prosecution Service and the Metropolitan Police

16. On 11 March 2011, following the acquittal of the Defendants (Jonathan Rees, Glenn Vian and Garry Vian), DCS Hamish Campbell of the Homicide and Serious Crime Command in the Metropolitan Police, read a prepared press statement, in which he said:

12 Discipline Review by D/Supt Mark Mitchell, MPS109704001, p13, 13 February 2012.
13 Discipline Review by D/Supt Mark Mitchell, MPS109704001, pp15-16, 13 February 2012. Operation Elveden was a Metropolitan Police investigation into payments by journalists to police and other public officials.

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> '*This current investigation has identified, ever more clearly, how the initial inquiry failed the family and the wider public. It is quite apparent that police corruption was a debilitating factor in that investigation. This was wholly unacceptable.*
>
> '*Significant changes have occurred since that time, nevertheless there are important issues which we need to examine now in order to understand what led to today's decision.*'[14]

17. DCS Hamish Campbell's statement also referred to the disclosure issue which had ultimately precipitated the end of the Court proceedings: '*Within this formidable and complex murder enquiry it is deeply regrettable that it has not proved possible to guarantee to the court that all relevant material has been presented to ensure a fair trial.*'[15]

18. DCS Hamish Campbell also prepared a briefing note[16] for the Metropolitan Police Authority, following the acquittal of the Defendants, which stated that the Metropolitan Police would write to the family of Daniel Morgan to apologise for what had happened, and that a formal apology would be made at the full meeting of the Metropolitan Police Authority on 31 March 2011.[17] The Acting Commissioner of the Metropolitan Police, Tim Godwin, made this formal apology at the meeting on 31 March 2011.[18]

19. In the briefing note, DCS Hamish Campbell also said that the Crown Prosecution Service and the Metropolitan Police would immediately begin a review, '*about the matters which caused such significant challenges. These matters include the disclosure of evidence in historic investigations taken place over time that are linked to numerous other enquiries, and the use of witnesses under the provisions of Serious and Organised Crime and Police Act 2005.*'[19]

20. On 31 March 2011, the Chair of the Metropolitan Police Authority, Kit Malthouse, wrote to the Home Secretary, Theresa May MP, explaining that the Acting Commissioner had apologised and stating that the Metropolitan Police Authority '*voted unanimously to support the Morgan family's request for a full inquiry into Mr Morgan's death, the investigations that followed and the collapse of the trial on 11 March 2011*'.[20]

21. Kit Malthouse also advised the Home Secretary that,

> '[t]*he MPS* [Metropolitan Police Service] *and the CPS* [Crown Prosecution Service] *have embarked on a review of events leading to the collapse of the case. However, there are some aspects of this case which we believe would benefit from an independent evaluation, in particular the impact of the disclosure rules and whether the provisions of the Serious and Organised Crime and Policing* [sic] *Act 2005 around the use of known offenders as witnesses remain viable in light of this experience.*'[21]

22. The Home Secretary responded to the Chairman of the Metropolitan Police Authority on 19 May 2011. In her letter, the Home Secretary acknowledged that the Metropolitan Police was undertaking a review of the collapse of the trial with the Crown Prosecution Service, and that if this had implications for the use of Assisting Offenders under the Serious Organised Crime and

14 Metropolitan Police Authority Briefing Note, MPS109561001, p6, 29 March 2011.
15 Metropolitan Police Authority Briefing Note, MPS109561001, p6, 29 March 2011.
16 Metropolitan Police Authority Briefing Note, MPS109561001, p5, 29 March 2011.
17 Metropolitan Police Authority Briefing Note, MPS109561001, p5, 29 March 2011.
18 Letter from Chair of Metropolitan Police Authority to the Home Secretary, MPS109616001, p5, 31 March 2011.
19 Metropolitan Police Authority Briefing Note, MPS109561001, p5, 29 March 2011.
20 Letter from Chair of Metropolitan Police Authority to the Home Secretary, MPS109616001, p5, 31 March 2011.
21 Letter from Chair of Metropolitan Police Authority to the Home Secretary, MPS109616001, p5, 31 March 2011.

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Policing Act 2005, this would be considered by the Government. However, the Home Secretary also stated that despite the vote of the Metropolitan Police Authority to support the family of Daniel Morgan in their request for a full inquiry into the murder, the Government felt that it was unnecessary in light of the Metropolitan Police/Crown Prosecution Service review established.

23. A review had been set up and Terms of Reference for it were drawn up by the Chief Crown Prosecutor for London, Alison Saunders, and the Metropolitan Police Assistant Commissioner, Cressida Dick.[22]

24. The Terms of Reference were as follows:

- '*Examine the methodology, decisions and tactics used by the prosecution team (police and prosecutors) to deal with the witnesses who were given agreements pursuant to the SOCPA* [Serious Organised Crime and Police Act 2005] legislation.
- '*Examine the methodology, decisions and tactics adopted by the prosecution team (police and prosecutors) in order to discharge their disclosure obligations, (to include any omissions).*
- '*Consider any other significant key areas which may emerge during the course of review.*
- '*To make recommendations in relation to any lessons learnt or good practice which emerge from the review*.'[23]

25. In the introduction to the report of the review, which was led by Commander Simon Foy and Jenny Hopkins, a Deputy Chief Crown Prosecutor in the Crown Prosecution Service London Region, it is recorded that '*the purpose of commissioning this Review was not to investigate allegations of corruption, nor was it intended to serve the purpose of an investigation for police disciplinary purposes*'.[24]

26. There were two principal reasons why the prosecution of those charged with the murder of Daniel Morgan did not proceed: the failure to deal properly with disclosure and the problems arising during attempts to use Assisting Offenders under the Serious Organised Crime and Police Act 2005 as witnesses. The Terms of Reference were sufficient to enable these issues to be dealt with.

27. The review involved the interviewing of key members of the Abelard Two team, including Metropolitan Police officers[25] and lawyers in the Crown Prosecution Service.[26] The review's 'methodology' was recorded as follows:

22 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p3, para 1.10, May 2012.
23 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p3, para 1.11, May 2012.
24 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, pp2-3, para 1.7, May 2012.
25 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p4, para 2.4, May 2012.
26 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p4, para 2.3, May 2012.

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'*A range of opinions and concerns were expressed during the Review and those matters, together with the significant number of decisions and Judge's Rulings made during the course of the prosecution have been noted.*'[27]

28. **This was not a methodology but was a statement of fact as to what was noted, and it fails to explain the manner in which the review was undertaken.**

29. An email sent before the review began, dated 05 April 2011, from Commander Simon Foy to Jenny Hopkins, suggested a more detailed methodology than that contained in the report. The document indicated that the review would:

i. meet and interview key individuals, including police officers; Crown Prosecution Service lawyers and caseworkers; leading, junior and disclosure Counsel;

ii. verify their position by looking at relevant documentation/decision logs/notes/Court Orders and judgments;

iii. compare what happened in this case with the requirements of any legislation/formal guidance/Policy that existed;

iv. reach conclusions, having taken steps 1-3 above, as to whether any deficiencies may have contributed to the unsuccessful outcome;

v. make recommendations to ensure that similar cases where these issues occurred would have a better chance of success;

vi. produce a report of the findings of the review; and

vii. disseminate any lessons learned.[28]

30. The methodology suggested by Commander Simon Foy was not adopted. Had it been, and had it been implemented fully, it would have resulted in a more effective Review, with the probability that more lessons would have been learned.

31. Commander Simon Foy and Jenny Hopkins interviewed four lawyers: Stuart Sampson, Crown Prosecution Service; Nicholas Hilliard QC, Lead Counsel; Jonathan Rees QC, Junior Counsel;[29] and Heather Stangoe, Disclosure Counsel. They also interviewed seven police officers: former AC John Yates; former DCS David Cook, Senior Investigating Officer; T/DCI Noel Beswick, Deputy Senior Investigating Officer; DI Douglas Clarke, Liaison Officer; DS Gary Dalby, Case Officer; DI Anthony Moore, Debrief Manager; and DI Bernard Greaney from the Directorate of Professional Standards. Those interviewed were described as '*key members of the Abelard II prosecution team*'.[30]

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27 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p4, para 2.1, May 2012.

28 Email 05.04.2011 Simon Foy to Jenny Hopkins Crown Prosecution Service re initial stages of Metropolitan Police/Crown Prosecution Service joint review with copies of suggested terms of reference, MPS109621001, p2, undated.

29 Jonathan Rees QC was appointed Queen's Counsel in 2010.

30 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p4, paras 2.2, 2.3 and 2.4, May 2012.

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32. In the same email dated 05 April 2011, Commander Simon Foy suggested that one of the Defence lawyers should also be consulted as part of the process, although he noted that this would be difficult.[31] Defence lawyers were not consulted.

33. There was considerable merit in Commander Simon Foy's suggestion that one of the Defence lawyers be interviewed. It would have enabled discussion of whether there was anything that they could contribute, to help prevent future costly disclosure failures.

3.1 Interviews of the Prosecution team members

34. The interviews took place between June and August 2011. The papers which are available are in note form only. There is no documentation in the material available to the Panel which informs the comments made in the notes. The papers available to the Panel do not contain notes for the interviews of Jonathan Rees QC, former AC John Yates or DI Douglas Clarke.

35. Former DCS David Cook told the Panel that his meeting with Commander Simon Foy and Jenny Hopkins of the Crown Prosecution Service lasted only 20 minutes. He suggested that he '*brought out the concerns with Barry Philips and other aspects, and that cut the conversation short.*'[32] The Panel has examined the typed notes of the meeting between Commander Foy, Jenny Hopkins and former DCS Cook. The notes record that former DCS Cook alluded to the fact that James Ward had made an allegation of corruption against D/Supt Barry Phillips and that later in the interview he had said that D/Supt Phillips had been '*setting up a business with his wife i.e. conflict of interest was setting up typing business to type up the debriefs*' and as a consequence had not been available to run the debrief of Gary Eaton, who was unable to contact D/Supt Phillips. He also said that DS (later DI) Anthony Moore had had to start '*doing Barry Phillips job which meant he was not doing the debriefs as manager.*' It is accepted that former DCS Cook raised matters relating to D/Supt Phillips at the beginning of the interview. However, the interview did not terminate at that point but continued with the discussion of other issues including the debrief of Gary Eaton.[33] There is no evidence of corruption from D/Supt Phillips.

36. Many issues were raised by those who were interviewed. The experiences of Prosecution Team members who spoke to the Review included the following:

i. That the disclosure strategy had been to '*keep it simple. Reduce amounts*'.[34] The strategy was also described as being '[m]*ake sure that when we get to court we have everything in a schedule All marked up with what the defence are going to get*'.[35]

ii. That the only training available for the staff involved in the debriefing process was with a private company. It covered the circumstances in which a person offering to be an assisting offender should be accepted as such, and what needed to be done before a decision to commence a debrief was made. There was no written guidance to inform the debriefing process.[36]

31 Email from Commander Simon Foy to Jenny Hopkins, MPS109587001, p33, 05 April 2011.
32 Panel Interview of former DCS David Cook, Transcript 1, pp22-23, 25 August 2020.
33 Former DCS David Cook interview summary notes, Abelard Two Investigation Review Report, MPS109620001, pp33-38, 11 July 2011.
34 Stuart Sampson interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p7, 14 June 2011.
35 Heather Stangoe interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p49, 26 July 2011.
36 DI Anthony Moore interview summary notes, Abelard Two Investigation Review Report, MPS109620001, pp39 and 41, 14 July 2011.

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iii. That the Crown Prosecution Service had not anticipated the quantity of material which had been generated by the debrief team during the debrief process;[37] and that the '*volume of material*' made it an '[a]*lmost impossible disclosure exercise*'.[38]

iv. That the investigation had only received summaries of the assisting offender interviews rather than full transcripts.[39]

v. That there had been a failure by police to update the Crown Prosecution Service on the status of witnesses: for example, whether a witness had a previous conviction.[40]

vi. That the notes prepared by the Witness Protection Unit had not been revealed to the Abelard Two Investigation;[41] nor had the notes been included in the disclosure schedules.[42]

vii. That Gary Eaton had not been called to give evidence about the debrief, but he should have been.[43]

viii. That there were questions about whether DCS David Cook should have continued as Senior Investigating Officer after his retirement from the Metropolitan Police in 2007.[44]

ix. That part of the problem was that '*no one wanted it*' [the investigation].[45]

x. That when the crates of material from the money laundering investigation into James Ward and others had been re-examined in March 2010, a file had been found relating to James Ward, containing information supplied, under a different pseudonym, to the Serious Organised Crime Agency; and that, in November 2010, a further file was found containing information supplied by James Ward under a further pseudonym.[46]

37. The following recommendations were made by those interviewed:

i. That witnesses must be told that they must go through a separate closed debrief session to prove their reliability before being accepted as witnesses under the Serious Organised Crime and Police Act 2005. They must provide to the debrief team all information, no matter how sensitive, of their knowledge of and involvement in criminal activity. This was necessary so that the information could be checked to establish whether they should be regarded as reliable sources despite the fact they were dangerous and involved in criminal activity (Nicholas Hilliard QC).[47]

ii. That witnesses being debriefed under the Serious Organised Crime and Police Act 2005 should only be interviewed if they were in custody, as the risk of unauthorised contact was too strong (T/DCI Noel Beswick, Deputy Senior Investigating Officer).[48]

37 Stuart Sampson interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p7, 14 June 2011.
38 '*Nicholas Hillyard* [sic] *QC*' interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p14, 22 June 2011.
39 T/DCI Noel Beswick interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p28, 07 July 2011.
40 Stuart Sampson interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p7, 14 June 2011.
41 Former DCS David Cook interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p34, 11 July 2011.
42 T/DCI Noel Beswick interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p28, 07 July 2011.
43 Former DCS David Cook interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p35, 11 July 2011.
T/DCI Noel Beswick, Abelard Two Investigation Review Report, MPS109620001, p28, 07 July 2011.
44 Stuart Sampson interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p5, 14 June 2011.
45 Former DCS David Cook interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p37, 11 July 2011.
46 Stuart Sampson interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p8, 14 June 2011.
47 Abelard Two Investigation Review Report, MPS109620001, p15, 22 June 2011.
48 T/DCI Noel Beswick interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p32, 07 July 2011.

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iii. That an investigation should receive transcripts of debrief interviews (T/DCI Noel Beswick, Deputy Senior Investigating Officer).[49]

iv. That the Senior Investigating Officer needed clear accountability and should be employed by the Metropolitan Police (former DCS David Cook).[50]

v. That there was a need for a proper archiving system in the Metropolitan Police to enable recovery of all relevant material (Nicholas Hilliard QC).[51]

3.2 The review report: May 2012

38. The review report recorded that '*the main reason for the withdrawal of the prosecution was the Crown's inability to satisfy their disclosure obligations. However, at that time there were also issues with the reliability of key prosecution witnesses. The disclosure difficulties were the dominant factor and were more impactive*.'[52]

3.2.1 Failings in the disclosure process: the primary cause of the inability of the Prosecution to proceed to trial

39. The Prosecution offered no evidence against the Defendants in March 2011, because '*the prospects of conviction are* […] *significantly affected to the point that it can no longer be said that the evidential test in the code for Crown Prosecutors is satisfied*' (see Chapter 8, The Abelard Two Investigation).[53]

40. The review report stated that '[a]*n appreciation of the scale and complexity of the disclosure issues in this case is essential to understanding why the prosecution offered no evidence*'.[54] The Report noted that a vast amount of material had been gathered over 23 years (estimated at 750,000 pages), by different agencies and retained at various locations,[55] and quoted Mr Justice Maddison, who said that '*on any fair view it seems to me that disclosure has been and continues to be a formidable, daunting exercise* [...]. *The extraordinary nature of the case has required the prosecution to undertake an exercise in disclosure of exceptional if not unprecedented proportions*'.[56]

41. Heather Stangoe told the review that she had joined the Abelard Two disclosure team in July 2006, just after Gary Eaton had contacted the investigation.[57] She said that the disclosure team were then in the process of registering all of the documents. Some historical context of the extent and progress of the disclosure process had been provided by an Abelard Two background case summary update document, dated December/January 2007.[58] The case summary recorded that a team of four officers had examined 1,650 documents by December/January 2007, an estimated 4 per cent of the overall case file.[59] An estimated time for

49 T/DCI Noel Beswick interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p28, 07 July 2011.
50 Former DCS David Cook interview summary notes, Abelard Two Investigation Review Report, MPS109620001, p37, 11 July 2011.
51 '*Nicholas Hillyard* [sic] *QC* interview summary notes', Abelard Two Investigation Review Report, MPS109620001, p14, 22 June 2011.
52 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p5, para 3.8, May 2012.
53 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p129, May 2012.
54 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p7, para 4.7, May 2012.
55 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p6, para 4.6, May 2012.
56 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p10, para 4.13, May 2012.
57 Abelard Two Investigation Review Report, MPS109620001, p46, 14 June-03 August 2011.
58 Background Case Summary, MPS109599001, 04 January 2007.
59 Background Case Summary, MPS109599001, p1, 04 January 2007.

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completion of the disclosure process was given as between 9 and 12 months.[60] However, minutes of an oversight meeting held 23 January 2007 were less optimistic and recorded that '[a]*t current rate disclosure will take one year to 18 months to complete*'.[61]

42. In January 2007, as the disclosure preparations were ongoing, members of the family of Daniel Morgan had a meeting with DCS David Cook and A/DCI Noel Beswick. Family members were provided with an update on the progression of the investigation. The family noted that they became aware of differences of opinion between DCS Cook and Stuart Sampson as to whether the disclosure preparations should be finished before any charges were laid. The family noted the following:

> '*Expect charges in July 2007.* [DCS David] *Cook has a difference of opinion with Stewart* [sic] *Sampson on timing of charges and whether disclosure should be finished first.* [DCS Cook's] *view is if they do all the disclosure then they will be doing it for years and he wants to keep the current team together.*'[62]

43. Heather Stangoe told the review that there had appeared to be pressure to charge before DCS David Cook's retirement from the Metropolitan Police (in December 2007), although in the end this was not achieved.[63] She was asked whether the initial disclosure exercise was finished by the time the suspects were charged, and she responded, '[a]*ll the material that was left was the material to do with the SOCPA* [Serious Organised Crime and Police Act 2005] *witnesses*'.[64]

44. The case summary stated that '[t]*he CPS* [Crown Prosecution Service] *have indicated a desire to have all of the disclosure completed prior to a decision on charging being made, however a case conference has been arranged with a view to discussing earlier action being taken, the reasons for which will be provided in the operational update*'.[65]

45. The Panel has had access to the Advice of Jonathan Rees, barrister, dated 15 April 2008, as to the consideration of the evidence given in respect of each of the Defendants (see Chapter 8, Abelard Two, sections 7.8 and 7.9),[66] and to the report which was sent on 23 April 2008 by Stuart Sampson, to which was attached Jonathan Rees, barrister's advice.[67]

46. The decision to charge had consequences in terms of the Prosecution's responsibility to disclose any material which might assist the Defence or undermine the Prosecution, and it is clear from the case summary that the Prosecution was sighted of that responsibility. There is no record, in the papers available to the Panel, of any consideration of the disclosure situation in the context of the decision to charge which was made in April 2008. At this stage, the disclosure exercise to review the material relating to James Ward and Gary Eaton had not been completed.

47. **The consequence of the decision to charge at this time was that the defendants were remanded in custody. This meant that custody time limits henceforth applied, and this put further pressure on the Prosecution team. Former DS Sidney Fillery was released on bail on 06 August 2008. He was formally acquitted of perverting the course of justice on 15 February 2010. Jonathan Rees, James Cook, Glenn Vian and Garry Vian were released from custody on 03 March 2010, and they were ultimately acquitted on 11 March 2011.**

60 Background Case Summary, MPS109599001, p1, 04 January 2007.
61 Minutes of Operation Abelard Oversight Meeting, MPS109609001, p2, 23 January 2007
62 Alastair Morgan Meeting Notes, PNL000110001, p63, 26 January 2007.
63 Heather Stangoe, 26 July 2011, Abelard Two Investigation Review Report, MPS109620001, p47, 14 June-03 August 2011.
64 Heather Stangoe, 26 July 2011, Abelard Two Investigation Review Report, MPS109620001, p47, 14 June-03 August 2011.
65 Background Case Summary, MPS109599001, p1. 04 January 2007.
66 Counsel Advice by Jonathan Rees, MPS109700001, 15 April 2008.
67 Case file including Manual of Guidance forms 1,3,4,5 and 7, MPS072615001, 23 April 2008.

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48. Although the focus of the review, as set out in its Terms of Reference, was on disclosure and the debriefing processes under the Serious Organised Crime and Police Act 2005, the Metropolitan Police/Crown Prosecution Service review was also required to '*consider any other significant key areas which may emerge during the course of review*' and it did not take the opportunity to analyse the process by which a decision to charge the Defendants was made at this time. The consequences of the charging decision were enormously significant for the five Defendants and for their families, as the Defendants were remanded in custody for varying periods. Their detention inevitably involved very significant costs to the public, as did the successful civil action which four of the Defendants brought against the Metropolitan Police for damages (see sections 7 and 9 below). A decision to charge in cases such as this can be very complicated, and it is essential that the Crown Prosecution Service and Metropolitan Police can and do justify such decisions. The review should have considered whether there was anything to be learned from this decision.

49. Fifteen disclosure issues raised by the Defence during the pre-trial hearings were summarised in the review report.[68] They ranged across a variety of failures to disclose and included the following:

i. Failure to disclose fully the 2006 Metropolitan Police Authority Report;

ii. Inappropriate redactions of some transcripts of debriefed Serious Organised Crime and Police Act 2005 witnesses;

iii. Late disclosure relating to a witness;

iv. Failure to inform the Defence that the police were aware of psychiatric issues relating to Gary Eaton between 26 July and 06 September 2006;

v. Late disclosure of general practitioners' records relating to Gary Eaton; and

vi. Non-disclosure of a statement relating to former PC Derek Haslam and failure to respond to a request by the Defence regarding matters within that statement.

50. All these complaints had been upheld by Mr Justice Maddison.

51. Mr Justice Maddison rejected other matters raised by the Defence, holding that:

i. particular prison records should not be disclosed;

ii. there was no lack of due diligence in the supply of details of witnesses present at the Golden Lion public house on the night of the murder; or in the method of disclosure of telephone records; and,

iii. there was no necessity to disclose photographs taken 20 years after the murder.

68 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, pp8-10, para 4.11, May 2012.

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52. The review report noted the discovery in November 2009 of the 18 crates of evidence which had first been delivered to the Directorate of Professional Standards' Financial Investigations Unit, and made available to the Abelard Two Investigation, in 2007. The review report noted that '*a decision was made by the* [Senior Investigating Officer, DCS David Cook] *that the material was not relevant*',[69] and the material had been returned to the Directorate of Professional Standards for storage (see Chapter 8, Abelard Two Investigation).

53. The review report also noted that neither the judge nor Defence Counsel were made aware of the finding of the 18 crates before the custody time-limits hearing on 18 December 2009.[70]

54. In fact, the sequence of events based on the Panel's review of the material was as follows:

i. On 20 November 2009, T/DCI Noel Beswick emailed the Directorate of Professional Standards raising questions about the material, and he also emailed Nicholas Hilliard QC to tell him about the crates.

ii. Later that day, Nicholas Hillard QC spoke to T/DCI Beswick and directed that the material should be examined.

iii. By 27 November 2009, T/DCI Beswick said he had established that nothing which might undermine the Prosecution or assist the Defence had been identified. However, this transpired not to be the case. There were, among these papers, '*a docket and two information reports*' which should have been disclosed.

iv. The Defence were notified on 17 December 2009, the day before a custody time-limits hearing, of the existence of further material which had been found in other Directorate of Professional Standards premises. They were not informed about the 18 crates.

v. On 22 February 2010, Glenn Vian's solicitor, while inspecting documents, found T/DCI Noel Beswick's email of 20 November 2009 to the Directorate of Professional Standards and so the Defence became aware of the existence of the 18 crates.

vi. DS Gary Dalby later stated that on the morning of 26 February 2010, outside court, he had been asked by Nicholas Hilliard QC whether he was aware of any material from within the 18 crates that undermined the prosecution case, to which he had replied, '*No*'.

vii. On 26 February 2010, at a hearing Mr Justice Maddison noted that '[i]*f she had not discovered it then, then this hearing, like the last hearing, would have gone off in ignorance of all of this*'.

viii. A week later, on 03 March 2010, as a consequence of the way in which the disclosure of the contents of the crates had been dealt with, Mr Justice Maddison ruled that the Defendants should be released on bail. Mr Justice Maddison noted that it indicated '*a lack of due diligence and expedition on the prosecution's part*'.

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69 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, pp11-12, para 4.19, May 2012.
70 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p12, para 4.24, May 2012.

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55. Had the material been examined between 16 November 2009 and 18 December 2009, it would have been established that there was relevant material to be disclosed before the important custody time-limits hearing. There was a lack of process to identify, consider and disclose large amounts of material in a reasonable time.

56. The review report also acknowledged that there were further problems in January 2011, when additional papers relating to James Ward were discovered. The papers demonstrated that he had previously, under a different name, provided information to the police. Those papers were important (see paragraph 36 x. above). As the Report stated '[n]*ot only did they show that* [James Ward] *had been providing contradictory evidence to that contained within his formal SOCPA* [Serious Organised Crime and Police Act 2005] *debriefing (and thus his credibility was damaged) but until the discovery the investigation team knew nothing of the matter*'.[71]

57. The importance of this information was that James Ward, who had maintained that he was not a violent person, had in fact instructed a person, '*A*', to kill a third party and, when that had not happened, he had threatened '*A*' that he would be killed if he continued to associate with the third party. The Crown Prosecution Service decided that, in the light of this evidence, which impacted on James Ward's credibility, it could no longer rely on James Ward as a witness. This was explained in open court on 24 January 2011.[72]

58. The review report stated that, in February 2011, the Defence had been provided with a copy of an internal police report explaining the movements of the 18 crates. It stated that:

> '[…] *the defence sought access to particular documents stored within the eighteen crates and made specific reference to Box numbers. The police team were unable, in respect of four of the boxes, to locate them.*
>
> *Whilst one of the four crates contained material which bore no relevance to the trial proceedings, the other three did. They related to the money laundering case previously referred to. It became apparent that there had been a clear oversight in respect of these three crates. Whilst they were already within the police Exhibit's room, they had not been entered in to the police records, nor ever assessed*.'[73]

59. The review report stated that '[t]*his was clearly an error*',[74] and that '*the Crown were no longer able to be confident they could discharge their disclosure obligations and they would have to offer no evidence against the defendants*'.[75]

60. However, the submissions of Nicholas Hilliard QC to Mr Justice Maddison on 11 March 2011 made clear that there were in fact 21 crates in total of undisclosed material. On 04 March 2011, in addition to the 18 crates discovered in November 2009, he had been told that three more crates of unscheduled material had been discovered in the Abelard Two Exhibits

71 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p13, para 4.28, May 2012
72 Hearing, pp1-6, 24 January 2011.
73 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p13, paras 4.29-4.30, May 2012.
74 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p13, para 4.30, May 2012.
75 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, pp13-14, para 4.32, May 2012.

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Room, where they had been stored untouched since March 2008, when four crates of material had been sent to the Abelard Two Investigation, one of which had been declared not relevant and returned.[76]

61. The review report quotes Mr Justice Maddison (from his judgment of 11 March 2011), referring to the '*recent enquiry in relation to the 18 crates and the recent discovery of the four further crates*'. However, the report does not explore the detail of how this very costly failure of disclosure came about.

62. The report should not have conflated the four crates (one of which had been returned) with the 18 crates. It should have made clear that this was a further failure to disclose material which had been in the possession of the Abelard Two Investigation for the previous three years, material which '*had not been listed anywhere or reviewed for disclosure*'.[77]

63. In 2016, in a statement prepared in response to the civil claim by Jonathan Rees and others against the Metropolitan Police, former T/DCI Noel Beswick said that the other three crates had remained in the Exhibits Store until 04 March 2011, having been:

> '*overlooked by the exhibits officers and not brought to my attention. The exhibits officer's role was to schedule all exhibits from crates received and provide DS Dalby's disclosure team with non-exhibit material for their review. This had not been done. I believe a genuine mistake was made by the exhibits officers who overlooked the three crates.*'[78]

64. The documents in these crates had later been scheduled, and a further 31 items were identified which had not previously been disclosed.[79]

65. In relation to the four additional crates, evidence now available to the Panel, which was received from the Criminal Cases Review Commission, shows that Nicholas Hilliard QC and Jonathan Rees QC had asked on the week commencing 28 February 2011 what had happened to these crates. This led to the discovery that, while one had been declared irrelevant to the murder investigation, the other three crates had been sent to the Exhibits Store without their contents being examined, or 'scheduled'.

66. The review report failed to highlight the fact that, despite the intense focus on disclosure issues between 2008 and 2011, the four crates of material were not dealt with in an appropriate manner.

76 Hearing Transcript, MPS109655001, p125, 11 March 2011.
77 Hearing Transcript, MPS109655001, p125, 11 March 2011.
78 Witness statement of former T/DCI Noel Beswick, MPS109748001, p69, para 246, 20 October 2016.
79 Witness statement of former T/DCI Noel Beswick, MPS109748001, p69, para 247, 20 October 2016.

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3.2.2 Recommendations

67. The review report produced one overarching recommendation: '*That steps are taken to disseminate this Review within the Police and CPS* [the Crown Prosecution Service]*, so that Police and CPS can consider the following Good Practice points in future cases*.' It produced 17 Good Practice Points.[80] In October 2019, the Panel enquired of the Metropolitan Police and the Crown Prosecution Service whether the Good Practice Points identified in the review report have been implemented and asked for evidence of their implementation where appropriate.

68. An initial reply was received from the Metropolitan Police on 07 October 2019, however it did not contain sufficient detail. In response to a further request for specific information, a much more detailed reply was received on 05 May 2020.

69. In response to the question about the overarching recommendation for dissemination, the Metropolitan Police said that an officer had attended a College of Policing course at which there was mention of the Abelard Two Investigation, and that dedicated debriefers have been given full sight of the May 2012 review report. The Metropolitan Police also said that various training documents and fact sheets were being prepared.[81]

70. The College of Policing provided to the Panel, on 15 April 2020, a report on two courses which it now delivers: one to Assisting Offender Debriefing Officers and the other to Assisting Offender Managers. It specifically includes material arising from the Abelard Two Investigation.[82]

71. From the material which it has seen, the Panel is of the view that the courses, if delivered as indicated, should provide an appropriate basis for the development of those involved in debriefing operations under the Serious Organised Crime and Police Act 2005.

72. The review report is very limited in the information which it provides for those who were required to make decisions to give effect to the Good Practice Points. It is accepted that the authors of the review report referred to appendices containing excerpts from court proceedings which focused on particular issues. However, the effect of this was to require the reader to analyse the material presented in the appendices in order to understand the full reasons why the Good Practice Points were made. The consequence of the lack of a fully reasoned analysis of what went wrong was that further opportunities to prevent such situations recurring was lost. This is a further example of failure to face up to and admit major failings in Metropolitan Police investigative processes.

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80 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, pp19-27, May 2012.
81 Metropolitan Police response to DMIP received on 07 October 2019, *'Good Practice Recommendations'*, p1, 07 October 2019.
82 Report from the College of Policing, 15 April 2020.

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3.2.3 Good Practice Points identified in relation to disclosure

73. Eight of the 17 Good Practice Points, Points 4–11,[83] dealt with disclosure issues. These can be summarised as follows, the Metropolitan Police responses to the Panel follow each point:

i. Point 4: From the outset, consideration should be given to the types of unused material which could reasonably be expected to be encountered in a Prosecution, and its anticipated location. The parameters of the search for potentially relevant material need to be clearly documented.

The Metropolitan Police stated that '*there is a general search throughout the MPS* [Metropolitan Police Service] *for material that might be disclosable in a particular case. IMS* [the Metropolitan Police Information Management System] *is one of those search methods.*'[84] The Panel asked for detail of how that search is to be conducted. In May 2020, the Metropolitan Police informed the Panel that its current Disclosure Policy provides guidance on what may amount to '*reasonable lines of enquiry*', with a reminder that any submission to the Crown Prosecution Service for charging advice must contain sufficient detail without which the submission will be rejected.[85]

ii. Point 5: There is a requirement for accurate record-keeping, with detailed reasoning behind all material that is reviewed by the investigation during the enquiry and evaluated as not relevant.

The Metropolitan Police referred to the Attorney General's Guidelines on Disclosure. There was originally no statement as to the process established by the Metropolitan Police to ensure that these Guidelines are complied with. However, after a further request by the Panel, the Metropolitan Police provided key features of their London Disclosure Improvement Plan in its response of 05 May 2020. This indicates that a considerable amount of work has been done and training has been provided. Further work is in progress.

iii. Point 6: Consideration must be given to the size and complexity of the disclosure task from the outset, and the level of experience required when appointing a disclosure officer. In cases such as this, consideration should be given to the experience which Disclosure Counsel will need to possess, and whether, exceptionally, a more experienced counsel is required rather than the most junior member of the counsel team.

The Metropolitan Police response refers to the Attorney General's Guidelines on Disclosure and states that Disclosure Counsel had at least eight years' experience. However, this is incorrect, as the disclosure process started in 2006 and Disclosure Counsel who was appointed at that stage, had only five years' experience in 2006.

The Crown Prosecution Service provided a response dated 03 April 2020, which included reference to Chapter 29 of its 'Disclosure Manual', which outlines disclosure-related issues relating to large-scale cases. It emphasises the need

83 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, pp21-25, May 2012.
84 Metropolitan Police response to the Panel, pp5-6, October 2019.
85 Metropolitan Police response to the Panel, p7, May 2020.

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for early discussion between the Crown Prosecution Service and the wider Prosecution team to ensure that disclosure issues are actioned at an early stage. In particular, it states the following:

'*In appropriate cases, a decision to appoint disclosure counsel may be made at the outset of a case with a view not only to assessing unused material but also deciding which items should constitute the evidence relied upon. Counsel instructed may be the junior for the whole case or may be instructed solely to deal with the question of disclosure. Irrespective of this, in complex cases, they should be instructed for the duration of the case. Exceptionally large cases may require a team of disclosure counsel.*'[86]

In addition, in March 2013, the Crown Prosecution Service formalised and mandated a regime for handling disclosure in serious and complex cases which now requires the completion of a Prosecution Strategy Document, a Disclosure Management Document and a Risk Register. The purpose of the Prosecution Strategy Document is to articulate the Prosecution's approach to the case. It includes sections for articulating the pre-charge strategy, the charging strategy, how evidence will be handled, the disclosure strategy, how unused material will be managed and how Counsel will be selected. It is a living document and is reviewed by the Unit Head to quality-assure the approach being taken in such cases. The Disclosure Management Document allows the prosecutor to articulate the way in which disclosure is being handled, and it includes reasonable lines of enquiry which have been pursued and the approach being taken to categories of unused material. It is served on the Defence and the Court and enables disclosure issues to be identified and addressed at an early stage.

iv. Point 7: The Prosecution Team (police and prosecutors) should frequently review the position and progress of the disclosure strategy.

The Metropolitan Police provided a response in May 2020 which indicated that investigations now use the HOLMES 2 disclosure package. It was decided in the Abelard Two investigation that this package would not be used. The Metropolitan Police advised the Panel that the Disclosure Officer, who should be appointed at the outset of the investigation, will be an appropriately trained detective who is an integral part of the Major Incident Team. The officer in charge of the case (the Senior Investigating Officer) must provide support and supervision and ensure that the Disclosure Officer has sufficient skills and authority commensurate with the complexity of the investigation to discharge their functions effectively, using HOLMES 2. The Disclosure Officer has the responsibility to advise the Senior Investigating Officer about disclosure strategy issues. Reference was also made to a requirement that the disclosure officer must certify to the prosecutor, on each occasion when material is revealed to the prosecutor, '*that, to the best of his knowledge and belief, all relevant material which has been retained and made available to him has been revealed to the prosecutor in accordance with this code*'.

86 Crown Prosecution Service response to the Panel, p2, 03 April 2020.

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v. Point 8: Use should be made of a Disclosure Strategy document, and there should be clarity as to which disclosure regime applies.

In May 2020, the Metropolitan Police advised the Panel of the 2013 Attorney General's Guidelines on Disclosure, which set out instances when a Disclosure Management Document (otherwise known as a 'Disclosure Strategy') should be used in a large and complex investigation/prosecution. A copy of the template and guidance was also provided to the Panel.

vi. Point 9: Use should be made of the Criminal Procedure Rules to identify the issues in the case.

The Metropolitan Police informed the Panel that this is a matter for the Crown Prosecution Service. The Crown Prosecution Service advised in April 2020 that it has extensive internal guidance about the Criminal Procedure Rules which have been updated several times since May 2012. 'Gateway' notices are sent to all staff whenever the Criminal Procedure Rules are updated. A new 'Better Case Management' was launched in 2015 which ensures efficient compliance with the Criminal Procedure Rules encouraging the identification of the issues in the case at an early stage.

vii. Point 10: Disclosure schedules need to be available electronically at Court.

The Metropolitan Police advised in May 2020 that its current disclosure policy provides that material which has to be stored in a safe because of its security classification cannot be issued to the Court in electronic format. The procedures to be followed in such cases are articulated in the policy. That being the case, there still exist security classification issues that may prevent all disclosure schedules being provided electronically to the Court.

viii. Point 11: Archiving systems should be in place to permit the identification and retrieval of all relevant material from historical operations (for example, informant files, microfiche, Directorate of Professional Standards files and Crown Prosecution Service case files). Concluding point 11, the review report stated, '[w]*hen faced with a case of this nature it is recommended that a careful and considered judgment about the viability of being able to retrieve all material is made before a decision to proceed to charge is taken. This decision must be scrutinised, documented and recorded.*'[87]

The Metropolitan Police response to the issue of archiving indicated that the Debrief Unit uses the Information Management System to archive records. The further response received in May 2020 provides details of the Metropolitan Police's Records Retention, Review and Disposal Document of 23 March 2018. This supports the Records Management Policy and provides a framework for the management and control of Metropolitan Police records, across all formats. It is a general principle that no original material is to be destroyed or deleted without appropriate review, in line with the Records Management Policy. The policy, and other documents provided to the Panel, include information about evidence recovery methods, dedicated digital evidence recovery officers who may be commissioned to help extract evidence and to assist with unused material, and Forensic Computer Analysts to assist in the process.

87 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p25, May 2012.

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3.2.4 Failures in the handling of witnesses being debriefed under the Serious Organised Crime and Police Act 2005

74. The review report examined the reasons that lay behind the failure to retain, under the Serious Organised Crime and Police Act 2005, the Prosecution witnesses: James Ward, Gary Eaton and Person J5.

3.2.4.1 James Ward

75. The review report stated that:

> '*not all of the informant files relating to this witness had been correctly archived. He had been registered with different law enforcement agencies, on several different occasions and in different names. Whilst all possible checks were completed by the investigation team there was no way of them knowing about an un-archived extract from an informant file which was subsequently found under a different pseudonym.*'[88]

76. While it is true that there was material of which the Abelard Two Investigation could not have been aware, there were 22 crates of other material which had been brought to the attention of the Abelard Two Investigation in 2007 and 2008, and which, if dealt with properly, could have been disclosed. This did not happen.[89]

77. The inability to identify multiple pseudonyms for a source is something which should not happen now, given the existence of a national database, if all pseudonyms are contained in the database. However, T/DCI Noel Beswick had sought information from this database and all the relevant information had not been found. The review report could have usefully drawn attention to the importance of ensuring absolute compliance with all aspects of source management to prevent a similar situation arising in the future.

3.2.4.2 Gary Eaton

78. The review report stated that Gary Eaton was '*the prosecution's only eye witness to the murder*'.[90]

79. Gary Eaton did not witness the murder, rather he claimed to have seen Daniel Morgan's body in the car park before the alleged murderers left the car park.

80. The Review Report set out the reasons why Mr Justice Maddison decided to exclude Gary Eaton's evidence. Those reasons are summarised below:

i. Breaches of the sterile corridor (i.e. the requirement for a witness to have contact only with the debriefing officers and the witness protection officers, and not the investigation);

88 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p15, para 5.7, May 2012.
89 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p15, para 5.3-5.7, May 2012.
90 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p16, para 5.11, May 2012.

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ii. Gary Eaton's mental health and the absence of an appropriate adult during debriefings;

iii. That Gary Eaton was probably prompted by a senior police officer to implicate Glenn Vian and Garry Vian;

iv. That Gary Eaton had been tipped off that he had been caught lying about his father's death and given the chance to think of an explanation;

v. Gary Eaton's unreliability as a witness, including his significant criminal record;

vi. That Gary Eaton's personality disorder rendered him prone to telling lies;

vii. Gary Eaton's differing and various accounts; and

viii. His demonstrative lies and his behaviour during the debrief process.

81. The review report said that Gary Eaton '*frequently disregarded the rules of the de-brief process and breached the requirement that the witness only deal with the debriefing team. He regularly contacted the Senior Investigating Officer directly*.'[91]

82. The above statement was correct, and it was established during the pre-trial hearing that Gary Eaton had breached the rules of the debriefing process by contacting DCS David Cook. The impression created by the review report was that the breaches were Gary Eaton's sole responsibility: this is not true. As has been demonstrated in Chapter 8, Abelard Two Investigation, section 6.4, in fact, DCS Cook also contacted Gary Eaton on multiple occasions, despite having agreed not to do so. DCS Cook had the responsibility, which he acknowledged, not to breach the sterile corridor, yet he did so repeatedly.

AC John Yates and others were aware of the extent of some, at least, of the unauthorised contact between former DCS Cook and Gary Eaton. While giving the reasons for the exclusion of his evidence, the Review Report did not refer specifically to the fact that Metropolitan Police systems, and the particular context in which Gary Eaton was debriefed, were such that DCS Cook was able to have regular and unauthorised access to Gary Eaton. Nor did the report refer to the fact that Mr Justice Maddison had also concluded '*that DCS Cook probably did prompt Mr Eaton to implicate the Vian brothers*.'[92]

91 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p16, para 5.13, May 2012.

92 Document D5586, '*Judges ruling re Eaton and other matters*', MPS107506001, p36, para 167, undated.

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83. The Crown Prosecution Service/Metropolitan Police joint review was carried out five years after the debrief of Gary Eaton. The review should have considered whether current policies and procedures were adequate to ensure that such a situation could not arise again. The way in which the matter of Gary Eaton was dealt with in the review report effectively minimised the systematic and structural failings within the Metropolitan Police, which contributed to the ultimate decision by Mr Justice Maddison that he would have excluded Gary Eaton's evidence. Although the Terms of Reference of the review did not encompass disciplinary or conduct issues, there were serious management failures during the Abelard Two Investigation. By failing to highlight the actions of the Senior Investigating Officer in this case, the report authors did not seize the opportunity to deal with those failings.

3.2.4.3 Person J5

84. The review report stated that the evidence of Person J5 could no longer be relied upon, after it had been discovered that some of the information which she had provided to police had been obtained from a website for missing persons. Further unrelated allegations had also been found not to be credible.[93]

85. The way in which the police sought to get evidence from Person J5, and her subsequent debriefing under the Serious Organised Crime and Police Act 2005, gives rise to many questions about whether she should have been used as a witness. Despite her frequently restated terror about what might happen to her if she gave evidence, and her repeated refusals to provide evidence, the police pursued her as a witness. While it is appropriate to try and persuade witnesses to give evidence, consideration should have been given by the Metropolitan Police and Crown Prosecution Service review team to these matters. Furthermore, although in December 2006 she initially provided pertinent information to the Metropolitan Police, Person J5's evidence was ultimately withdrawn in November 2010 after serious doubt was cast upon the veracity of some of the information which she had provided to the police. Significant police resources were expended over the four years in attempting to secure her evidence. This should have resulted in an assessment as to whether there were any lessons to be learned.

3.2.5 Good Practice Points identified in relation to the witnesses

86. The review identified three issues of good practice in relation to the witnesses being debriefed under the Serious Organised Crime and Police Act 2005, which are set out in detail below. However, it noted that procedures under the 2005 Act had evolved in the intervening years, and accordingly, some of the issues raised were simply reflective of current practice.[94] The Panel enquired of the Metropolitan Police whether these Good Practice Points have been implemented. The Metropolitan Police, in a response received on 07 October 2019, confirmed they had.

93 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p18, paras 5.21-5.22, May 2012.
94 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p19, para 7.4, May 2012.

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87. Good Practice Point 1

> **'*As a necessary pre-condition to any future* SOCPA** [Serious Organised Crime and Police Act 2005] ***agreement, the requirement for a thorough investigation addressing the credibility of the witness is paramount*.'** [bold in original][95]

88. The review report listed the type of information which would enable a decision to be made as to whether an individual should be accepted as an assisting offender under the Act. They can be summarised as:

i. medical records and all psychiatric records;

ii. all case papers regarding previous convictions and those for any investigation that did not lead to a conviction; and

iii. all intelligence held by various investigative agencies regarding past and current criminality and all material regarding any past history as an informant.

89. The review report recommended that the presumption would be that this material was collated and considered prior to entering into the Serious Organised Crime and Police Act 2005 agreement.[96]

90. **The Metropolitan Police indicated to the Panel that there is full compliance with this recommendation. In addition, in May 2020, the Panel was informed that current Metropolitan Police policy is for a medical questionnaire to be completed in relation to the assessment of an assisting offender who is not located within the prison system. If this leads to concerns, the assisting offender, in consultation with their legal representative, is asked to sign a medical declaration giving authority for their medical records to be disclosed. Following receipt of the records, an assessment is then made of any medical or mental health risks.**

91. Good Practice Point 2

> **'*To maintain a full and auditable record of all police contact regarding the management of any SOCPA*** [Serious Organised Crime and Police Act 2005] ***witness.*'** [bold in original][97]

92. The review noted that it was important to maintain a record of every contact with the assisting offender, including '*who instigated the contact and the reason for it*'.[98] It stated that this was particularly important to rebut any allegation that a witness was induced or coached.

93. **This was already a requirement at the time of the Abelard Two Investigation. The Metropolitan Police has provided assurance to the Panel that processes now exist to ensure compliance with this requirement. The Panel has nevertheless seen no provision to ensure that those debriefed do not have telephone access to anyone other than those responsible for their welfare. However, in May 2020, the Panel was informed that Metropolitan Police policy, introduced in 2019, is that telephone numbers and email**

95 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p19, May 2012.
96 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, pp19-20, May 2012.
97 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p20, May 2012.
98 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p20, May 2012.

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addresses are not given directly to any such person. The majority of communications with the legal representatives of persons being debriefed are conducted via a specific address that they are given.

94. Good Practice Point 3

> '***Adherence to the following factors should be considered as "best practice" when dealing with SOCPA*** [Serious Organised Crime and Police Act 2005] ***witnesses.***' [bold in original][99]

95. These factors[100] can be summarised as requiring the following:

i. Effective control and regulation of the witnesses in terms of contact, allowances and privileges;

The Metropolitan Police did not respond to the Panel in relation to these issues initially, but the response to a second request in May 2020 describes detailed current processes and controls for these matters.

ii. A system to control the extent and duration of the debrief, to be set by a Gold Group in conjunction with the Senior Investigating Officer, with clear objectives;

The Metropolitan Police state that, as not every debrief requires a Gold Group, these matters have in the past been dealt with between the Senior Investigating Officer, the Crown Prosecution Service and the Senior Debrief Officer/ Debrief Manager.

iii. Immediate transcription of the witness's interviews for the purposes of challenge and corroboration by the investigation team;

The Metropolitan Police state that this is now done as a matter of course.

iv. Ongoing editing of the debrief material for disclosure purposes;

The Metropolitan Police state that this recommendation is adhered to throughout the debrief process.

v. That a process to allow the investigation team to provide questions to the debriefers, without fear of breaching the sterile corridor, should be developed;

The Metropolitan Police state that specific arrangements now exist to allow regular appropriate contact between the Debrief Manager and any investigation.

vi. That a dedicated and separate Debriefing Manager should be appointed to manage and supervise debriefers;

The Metropolitan Police state that this is now done as a matter of course.

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99 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p20, May 2012.
100 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, pp20-21, May 2012.

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vii. That the debrief team should be represented at the Gold Group;

The Metropolitan Police state that this is now done in accordance with the National Guidance on the Serious Organised Crime and Police Act 2005.

viii. That there should be parity of rank between the Debrief Manager and the Senior Investigating Officer of the investigation team to aid effective communication; there '*should be a relationship which is clearly defined, recorded and subject to inclusion within the terms of reference of the* [Gold] *Group*';[101]

The Metropolitan Police state that a Detective Inspector as Debrief Manager will link in with the Senior Investigating Officer, who may be a Detective Inspector or Detective Chief Inspector, and that the Debrief Manager '*delegates as necessary*'.

ix. That the whole Prosecution Team (police, Crown Prosecution Service and Counsel) should take a proactive role in the development and function of such witnesses; that as the Crown Prosecution Service enters into the agreement with the witness, it must be kept informed of all developments;

The Metropolitan Police state that this is now done as a matter of course.

x. That consideration should be given to the benefit of the Crown Prosecution Service lawyer dealing directly with the solicitors for such a witness;

The Metropolitan Police state that '*there has never been occasion when SOCPA* [Serious Organised Crime and Police Act 2005] *lawyers have not been happy to deal direct with the Police De-brief Unit*'.

xi. That consideration should be given to the use of an appropriate adult for witnesses who might be vulnerable as a consequence of the state of their mental health.

xii. **The Metropolitan Police state that they would always err on the side of caution and '*follow the spirit of PACE* [Police and Criminal Evidence Act 1984] *to ensure that the process was protected, and the Assisting Offender given the assistance and reassurance required*'.**

3.2.6 Control and direction of investigation/Prosecution

96. The review report made six recommendations about the control and direction of an investigation: recommendations 12-17.[102] The first of these related to the fact that the Abelard Two Investigation was not managed within normal Metropolitan Police reporting structures (see Chapter 8, Abelard Two Investigation). The review report noted that '[c]*ircumstances and events*' had resulted in the Abelard Two Investigation being managed outside the systems already in place for the investigation of murder within the Metropolitan Police, and that '[w]*hilst this may have had some merit and maintained confidentiality (considering the background of the case) it resulted in a complex management arrangement*'.[103]

101 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p21, May 2012.
102 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, pp25-27, May 2012.
103 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p25, May 2012.

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97. The implication that the Abelard Two Investigation was not managed according to normal reporting structure '*to maintain confidentiality*' is not sustainable in the light of the available evidence. While there was an awareness of the need for security, confidentiality was not given at any stage as a reason why the investigation was not managed according to normal reporting structures.

98. Accordingly, Good Practice Point 12 provided that, '**[h]*istorical and complex cases such as these should be structured within the governance arrangements and systems already in place within the* MPS** [Metropolitan Police Service] ***– primarily within the MPS Homicide & Serious Crime command.***' [bold in original][104] The Review Report also stated that '[i]*t is recommended therefore that any future investigation of this type should pay particular and detailed attention to the direction of the strategy – utilising the mechanisms already in place and in use within the* MPS *and as guided by* MIRSAP [Major Incident Room Standard Administrative Procedure] *and the* MPS *Murder Manuals*'.[105]

99. The Metropolitan Police response to the Panel regarding this Good Practice Point (12) was that '[t]*his particular agreement was unique and is unlikely to be repeated*'. The way in which the Abelard Two Investigation was run resulted in massive unnecessary costs, both human and financial. It is essential that the Metropolitan Police introduce structures to ensure that it does not happen again.

100. The governance arrangements adopted during the Abelard Two Investigation did not have merit and were the subject of challenge by a number of senior police officers (see Chapter 8, Abelard Two Investigation). The review report does not refer to these challenges, or to the fact that there is no record of any Gold Group/oversight group meeting after July 2008, despite the fact that the defendants were not finally acquitted until March 2011. There was an opportunity to consider whether there was any learning to be derived from this fact, but that opportunity was not pursued.

3.2.7 Assessment in the review report of the role of DCS David Cook

101. The review report acknowledged that DCS David Cook had retired from the Metropolitan Police during the investigation, before being immediately re-employed by the Serious Organised Crime Agency. It stated that while he remained within law enforcement and had a detailed knowledge of the case, a handover to a Senior Investigating Officer who was serving in the Metropolitan Police '*would have been more appropriate*'.[106] The review report said that the

104 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p25, May 2012.
105 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p25, May 2012.
106 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p26, May 2012.

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decision was made for '*sound reasons*', particularly former DCS Cook's detailed knowledge of the case and the strong relationship of trust he had developed with members of the family of Daniel Morgan.[107]

102. The review report provided in Good Practice Point 13 that, '**[t]*he SIO*** [Senior Investigating Officer] ***should be employed by the police force that holds primacy for the enquiry. They are then directly accountable to the GOLD group and associated governance arrangements.***' [bold in original][108]

103. **The Metropolitan Police response to the Panel regarding this Good Practice Point (13) simply reiterated the statement that the decision was made for 'sound reasons', particularly former DCS David Cook's detailed knowledge of the case and the strong relationship of trust he had developed with members of the family of Daniel Morgan.**[109]

104. In making this finding, the review report does not allude to the complications resulting from the fact that DCS David Cook had been on full-time secondment from the Metropolitan Police even before his appointment as Senior Investigating Officer in March 2006 and until his retirement in December 2007. There is no consideration of whether any learning might be available with reference to this situation. Nor is there any consideration of the fact that the Gold Group/Oversight Group did not meet after July 2008. This failing was particularly important since former DCS Cook was no longer in the employment of the Metropolitan Police.

105. The review report did not identify the confusion which existed in the Metropolitan Police as to whether former DCS David Cook had continued to be the Senior Investigating Officer of the Abelard Two Investigation after he left the Metropolitan Police (see Chapter 8, Abelard Two Investigation). As stated very clearly in the exchange of emails between the Metropolitan Police and the Serious Organised Crime Agency, from the date of his retirement, former DCS Cook did not have the powers which a Senior Investigating Officer requires. In glossing over these facts, and the consequence of them, the review report did not articulate any learning from this situation, other than that the Senior Investigating Officer should be employed by the police force which holds primacy in the investigation. This was not, and is not, necessary. What was, and is, necessary is that the Senior Investigating Officer's role and responsibilities are clear, that the Senior Investigating Officer has the necessary authority, and that there is a proper and clear command structure for any investigation.

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107 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p26, May 2012.
108 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p25, May 2012.
109 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p26, May 2012.

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106. The review report did not consider any other aspects of the role held by former DCS David Cook**,** which included assumption of the role of Family Liaison Officer and his overall command of the debrief of James Ward and in the absence of a Gold Group.

3.3 The case management process

107. The review report stated that Case Management Panels[110] were held during the Abelard Two Investigation and that their use had become well established practice. The Review Report stated '[t]*he panel is chaired by a senior lawyer, including the Director of Public Prosecutions or Chief Crown Prosecutor and their function is to oversee the effective progression of the prosecution, ensuring sound decision making and offering advice and guidance*'.[111]

108. Accordingly, Good Practice Point 14 provided that '**[c]*ases of this significance and complexity should be the subject of a CPS*** [Crown Prosecution Service] ***Case Management Panel***'. [bold in original][112]

109. **In its response to the Panel on 03 April 2020, the Crown Prosecution Service stated that Case Management Panels '*continued to be a common feature in serious and complex cases*'. The Crown Prosecution Service further stated that:**

> ***'Local Case Management Panels (LCMPs) are regularly held in teams across the CPS* [Crown Prosecution Service] *– usually chaired by the Deputy Chief Crown Prosecutor. These are a useful tool for senior oversight of serious and/or complex cases. Cases of National significance are reported to the Director of Legal Services each month by the Chief Crown Prosecutors of each CPS Area. Cases which require further oversight can be called for a National Case Management Panel, chaired by the Director of Legal Services. Now, as then, the purpose is to oversee the effective progression of the prosecution, ensure sound decision making and offer advice and guidance.'***[113]

110. Examination of the papers available to the Panel reveals extensive consultation between the Crown Prosecution Service lawyer for the case, Stuart Sampson, Counsel, DCS David Cook and others. However, the Panel has not seen evidence of such a structured process including the Director of Public Prosecutions or Chief Crown Prosecutor or any other senior lawyer employed by the Crown Prosecution Service during the Abelard Two Investigation.

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110 '*The CPS* [Crown Prosecution Service] [...] *introduced Case Management Panels during 2005 to oversee the strategies being applied in the prosecution of these very high cost cases likely to take more than eight weeks at trial. Case Management Panels in respect of the most serious and complex cases are chaired by the DPP* [Director of Public Prosecutions]*, whilst others are chaired by CCPs* [Chief Crown Prosecutors] *or Heads of Casework Divisions. The process enables the Director, and CCPs* [Chief Crown Prosecutors]*, to provide personal assurance to the Attorney, and the wider CJS* [Criminal Justice System] *community, that appropriate consideration has been given to all pertinent issues surrounding the launch of any substantial prosecution case due to last eight weeks or more at trial, and that the case is kept under regular review.*' (Crown Prosecution Service annual report and resource accounts 2005-06, p30, ordered by the House of Commons to be printed July 2006).

111 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p26, May 2012.

112 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p26, May 2012.

113 Crown Prosecution Service response to the Panel, Good Practice Point 14, 03 April 2020.

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111. The review report stated that, '[f]*urther to Recommendation 13,*[114] *we recommend that the police and CPS* [Crown Prosecution Service] *consider succession planning for all members of the prosecution team. It may be appropriate to appoint deputies for key members of the prosecution team, who will be able to assist both in busy periods and take over in the event that the relevant police officer or lawyer is absent or leaves the team.*'[115]

112. Accordingly, Good Practice Point 15 provided that '**[i]*n protracted cases prosecution team succession planning should be considered***' [bold in original].[116]

113. **In its response to the Panel on 03 April 2020, the Crown Prosecution Service stated that such cases are relatively rare and are likely to be handled by their Central Casework Divisions. The Crown Prosecution Service further stated that:**

> ***'The decisions around allocation of lawyer and prosecutor to a case is one for local managers, however where it is anticipated that a case is likely to be particularly complex or lengthy the CCD's*** **[Central Casework Divisions]** ***operate a "buddying" system where cases are allocated to a lead lawyer and a junior lawyer. This allows for work to be shared but also provides some resilience to the team in the event that one of the lawyers becomes unwell or leaves the organisation.'***[117]

114. **The Metropolitan Police response was that this was a matter for the Crown Prosecution Service. However, Good Practice Point 15 clearly envisages that police officers are part of the '*prosecution team*' and requires a response from the police as to how succession issues in investigation teams are dealt with. The Metropolitan Police subsequently provided information about a 2017 model adopted by a named Detective Superintendent. However, it does not address the specific question.**

115. The review report stated that:

> '[a] *strategy is required to assist effective judicial case management throughout the duration of the case and adherence to the Criminal Procedure Rules. Case Management hearings should utilise clear agendas, as identified in this case, as good practice.*
>
> '*In multiple defendant prosecutions there are likely to be extensive and repetitive oral legal arguments as between defendants. We recommend that the trial Judge is encouraged to rely on written advocacy, supplemented only when necessary by oral submissions. This will ensure hearings are focused, and court time is used efficiently. The prosecution should also encourage the management of the case through adherence to the Criminal Procedure rules.*'[118]

116. Good Practice Point 16 therefore stated the need to '**[e]*nsure there is a strategy in place to assist effective judicial case management***'[119] [bold in original].

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114 Good Practice Point 13.
115 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p26, May 2012.
116 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p26, May 2012.
117 Crown Prosecution Service response to the Panel, Good Practice Point 15, 03 April 2020.
118 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, pp26-27, May 2012.
119 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p26, May 2012.

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117. **In its response to the Panel on 03 April 2020, the Crown Prosecution Service stated that its new case management initiative, the '*Better Case Management*' introduced in 2015, '*supports the Court to play its pivotal role in ensuring consistent judicial case management*'. The Crown Prosecution Service further stated that:**

> **'*The use of PTPH* [Plea and Trial Preparation Hearing] *forms, completed prior to the Court hearing, allow for active judicial scrutiny of the preparation of the case.***
>
> ***Lead Counsel is, ultimately, responsible for assisting the Judge at any hearings and it is common practice in complicated cases for Agenda's* [sic] *or Case Notes to be provided in advance of hearings to assist the Court.***
>
> **DMDs [Disclosure Management Documents] *are another mechanism by which the Prosecution engages the Court and the Defence in its strategy in respect of the handling* [of] *unused material. They are served in advance of the PTPH* [Plea and Trial Preparation Hearing] *where possible.*'**[120]

118. Good Practice Point 17 was '***Appointment of a trial judge***'[121] [bold in original].

119. The review report stated that:

> '[d]*ue to the category of the charge in this case, namely murder, under the case release provisions, consideration had to be given to the appropriateness of releasing the proceedings from a High Court Judge to an authorised Senior Circuit or Circuit Judge. Owing to the complexities in this case it was retained by a High Court Judge. It will be important for the CPS* [Crown Prosecution Service] *to inform the court of all the complexities in a case, in order to ensure a Judge with the necessary experience is appointed.*'[122]

120. **In its response to the Panel, the Crown Prosecution Service stated that:**

> **'*The allocation of cases to an appropriate Judge is a matter for the Court. However, the CPS* [Crown Prosecution Service] *and HMCTS* [Her Majesty's Courts and Tribunals Service] *operate a "case release" system which allows the prosecution to identify matters of significance that may warrant the case to be released from the ordinary allocation route. This is secured by completing a case release form and sending it to the Court.*'**[123]

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120 Crown Prosecution Service response to the Panel, Good Practice Point 16, 03 April 2020.
121 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p27, May 2012.
122 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p27, May 2012.
123 Crown Prosecution Service response to the Panel, Good Practice Point 17, 03 April 2020.

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121. Although the Crown Prosecution Service stated to the Panel in November 2020 that the review report was a '*review into key aspects of the investigation and prosecution of the murder of Daniel Morgan*' and that it was '*not intended to be a cross criminal justice system review*', it would have been useful had those conducting the review consulted with the judiciary generally, or with Mr Justice Maddison in particular, during the course of their work and with the defence lawyers. They may have had useful observations to make about the operation of the Crown Prosecution Service and the Metropolitan Police and these could have been discussed at the time. It was not entirely surprising that issues arose that potentially affected other parts of the Criminal Justice System. These should have been discussed at the time by the Crown Prosecution Service/Metropolitan Police review team with the relevant institutions to determine whether any amendments to current practice were required.

122. The Crown Prosecution Service and Metropolitan Police review process afforded an opportunity for the two organisations to consider in depth what had happened during the Abelard Two Investigation and to identify any lessons learned, or good practice. Even accepting the limitations of the Terms of Reference, the review report did not clarify many of the failures in the governance and management of the Abelard Two Investigation. Its 'Good Practice Points', while largely representing current guidance and legal requirements, did not cover the totality of the issues which can be identified.

123. The review report did not identify any issues which had resulted from current practice not being followed in this case and did not identify any lessons which might have been learned. The failures of governance, the conduct of the Senior Investigating Officer and the disclosure failings led, ultimately, to very protracted pre-trial hearings which would have been avoided had the investigation been properly managed, Prosecution Counsel been properly informed, and appropriate consequential decisions made. Ultimately, it led to successful civil actions against the Metropolitan Police by four of those charged, very significant damages of £514,000[124] and costs resulted from these civil actions and added further to the overall costs of the Abelard Two Investigation.

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124 Rees & Ors v Commissioner of Police for the Metropolis [2019] EWHC 2120 (Admin), p15, paras 15 and 54-55.

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4 The Operation Longhorn Report: the investigation into DCS David Cook's unauthorised disclosure of documents

124. In 2011, Commander Simon Foy and the Metropolitan Police Directorate of Information had conducted a general audit of email contact between journalists and police officers.[125] As a result, an email had been identified which had been sent from former DCS David Cook to Michael Sullivan, Chief Crime Reporter at *The Sun* newspaper, on 10 March 2011.[126] The email had included confidential information sent between the solicitor for Daniel Morgan's family and AC John Yates. Former DCS Cook had been copied into this information. The report noted that the email read, '*Mike. Please treat this in confidence but it may be worthy of consideration. Why don't you come to* [named police premises] *and we will make a coffee. We will have privacy. There is no need to sneak about. Regards DC*.'

125. Both Commander Simon Foy and AC John Yates regarded this as an inappropriate level of contact between a police officer and a journalist.[127] Consequently, on 26 May 2011, during a meeting with Commander Foy, former DCS David Cook was given an informal verbal warning in relation to his future conduct.[128] No full audit of former DCS Cook's email account(s) was conducted.

126. At this time, former DCS David Cook was not a police officer, and therefore was not subject to the disciplinary arrangements applicable to serving officers. The status of this warning is therefore unclear. In interview with members of the Panel, former Commander Simon Foy said that at the time the warning was given, he was not aware of any other inappropriate emails being sent by former DCS Cook. He added that if he had been aware of other emails, '*it should have been a criminal investigation*'. Regarding the warning, Commander Foy stated, '*there was a consideration for a thought for Dave's health*'.[129]

127. Unrelated Metropolitan Police investigations into alleged corruption were ongoing in 2011. Michael Sullivan was one of the journalists under investigation in Operation Elveden, which dealt with allegations that journalists had made corrupt payments to the police for information. Material had been found in the possession of Michael Sullivan which he had received from former DCS David Cook, including over 500 emails between former DCS Cook and Michael Sullivan.[130,131] The matter was brought to the attention of the Serious Organised Crime Agency, as former DCS Cook's current employer.

125 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p8, para 22, September 2014.
126 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p8, para 22, September 2014.
127 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp8-9, para 23, September 2014.
128 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p9, para 24, September 2014.
129 Panel interview with former Commander Simon Foy, PNL000180001, p7, 26 November 2019.
130 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p9, para 25, September 2014.
131 Metropolitan Police Operations Elvedon, and Tuleta; '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p3, para 4, September 2014.

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128. On 07 December 2011, the Serious Organised Crime Agency referred the matter to the Independent Police Complaints Commission, alleging that during his time in charge of the investigation into the murder of Daniel Morgan, former DCS Cook had passed sensitive information and material (including police files, reports to the Crown Prosecution Service and other sensitive investigative material) to Michael Sullivan. The Independent Police Complaints Commission launched an investigation into the conduct of former DCS Cook as a result of these allegations.[132] This investigation was referred to as Operation Longhorn.

129. The Independent Police Complaints Commission established the following Terms of Reference for the investigation:

i. '*To investigate:*

a. *The quantity, content and sensitivity of classified police documentation/ information passed by David Cook (e-mail and any other means) to individuals outside the police service during the period 2006 to 2011.*

b. *Whether or not David Cook was authorised by any law enforcement agency to disclose such material to any third party outside the police service.*

c. *To identify whether any subject of the investigation may have committed a criminal offence and if appropriate, make early contact with the Director of Public Prosecutions* […]. *On receipt of the final report, the Commissioner shall determine whether the report should be sent to the DPP* [Director of Public Prosecutions].

d. *To identify whether any subject of the investigation, in the investigator's opinion, has a case to answer for misconduct or gross misconduct, or no case to answer.*

ii. *To consider and report on whether there is organisational learning, including:*

- *Whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;*
- *Whether the incident highlights any good practice that should be shared.'*[133]

130. Former DCS David Cook was arrested on 10 January 2012, on suspicion of having committed the offence of misconduct in public office and offences contrary to section 55 of the Data Protection Act 1998.[134] Various computers, mobile phones, IT storage equipment and documents were seized from former DCS Cook's home, and charred remains of what appeared to be intelligence-related documents were found in a dustbin.[135] He was taken to a police station for questioning and interviewed under caution. During the interview, which was recorded and

132 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p3, paras 1-2, September 2014.
133 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp4-5, para 5, September 2014.
134 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p5, para 7, September 2014.
135 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p5, paras 7-8, September 2014.

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videoed, he made no comment in response to the questions put to him and was released on bail, pending further enquiries. He was formally suspended from duty by the Serious Organised Crime Agency before he was released.[136]

131. The Independent Police Complaints Commission was granted full access to all the material recovered during the search of Michael Sullivan's home and workplace. Material from his computers and other electronic storage devices matched that sent by former DCS David Cook to him. The Independent Police Complaints Commission was provided by the Metropolitan Police with 620 emails and 5,846 pages of documents which had been provided to Operation Elveden by the Management Standards Committee at News International, which had been established to provide oversight of all matters relating to News International. The documents covered the period from 23 August 2006 to 07 September 2011. Michael Sullivan was also in possession of material relating to the Daniel Morgan murder which '*could not be sourced back to David Cook's trail of e-mails*'.[137] The Independent Police Complaints Commission stated that '*it is not known how the journalist came to be in possession of this material*'.[138]

132. Michael Sullivan was treated by the Independent Police Complaints Commission as a witness. It was established that former DCS David Cook was actively seeking Michael Sullivan's help in writing a book about his investigation of the murder of Daniel Morgan. There was a genuine friendship between the two of them and no evidence had been found to suggest he had used the material sent to him by former DCS Cook for any other journalistic purpose.[139] Michael Sullivan declined to assist the investigation.

133. It is understandable that Michael Sullivan was not treated as a suspect by the Independent Police Complaints Commission, but he was a suspect in Operation Elvedon, and he was in possession of information which belonged to the Metropolitan Police and others, and which should not have been made available to him. This matter should have been dealt with by the Metropolitan Police.

134. The Panel asked the Metropolitan Police about the emails and attachments sent between former DCS David Cook and Michael Sullivan, which had been handed to them during Operation Elveden, by News International, the owner of *The Sun* newspaper for which Michael Sullivan worked. According to the Metropolitan Police response, the Panel understands that the Metropolitan Police did not:

i. take any measures to ensure that copies of the material that were handed over to them were retrieved and deleted from all News International systems;

ii. seek an undertaking or any assurances from News International, Michael Sullivan and/or anyone else that no copies of this material had been taken and preserved elsewhere;

136 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p6, para 10, September 2014.
137 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p13, para 46, September 2014.
138 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p13, para 46, September 2014.
139 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp13-14, paras 47-48, September 2014.

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iii. nor did they consider seeking an order under section 3 of the Torts (Interference with Goods) Act 1977 for obtaining emails and the attached documents which may still be held by Michael Sullivan.[140]

135. The Panel has found no evidence that the Metropolitan Police considered all possible options available to them to enable the recovery of material belonging to them, as a law enforcement agency. This was a significant failing, as much of the material, disclosed without authorisation to Michael Sullivan, was highly sensitive. The disclosure of at least some of this material may have involved a risk to life of those identified in particular documents.

RECOMMENDATION

136. It is recommended that the Metropolitan Police establish a process to inform police officers about the recovery options available to them when material is unlawfully disclosed.

137. The Independent Police Complaints Commission stated that former DCS David Cook had been authorised to work from home, that his address had been subject to relevant Home Office security checks, and that his homeworking was approved by both the Metropolitan Police and the Serious Organised Crime Agency.[141]

138. The Independent Police Complaints Commission articulated the content and impact of the Metropolitan Police policies, in relation to both working away from the office and protective marking. These policies are outlined below:[142]

i. Emails should only be sent from the appropriate Metropolitan Police accounts when working away from the office.

ii. Emails should only be sent to personal accounts if the contents and attachments did not merit a protective marking and did not contain personal information.

iii. The Protective Marking System[143] provides for marking documents so as to ensure correct handling procedures:

a. To view 'Restricted' or 'Confidential' documents it is necessary to be approved as at least 'Security Cleared'.

b. Material marked 'Restricted' must not be transmitted over the internet without the use of approved encryption.

140 Email response from the Metropolitan Police, 07 May 2020 2:01 pm.
141 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p5, para 9, September 2014.
142 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp36-38, paras 179-191, September 2014.
143 These were the Information Handling policies relevant at the time. Since 2015 the policies and the classification system has changed.

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c. Material marked 'Confidential' must not be transmitted over the internet.

(Only the categories 'Restricted' and 'Confidential' are relevant to the material disclosed by former DCS David Cook.)

iv. Any access to the internet must be through an approved firewall.

v. Any use of Metropolitan Police information must be lawful and must not breach any relevant Metropolitan Police policy or operating procedures.

139. Police officers, civil servants and others are vetted, and their vetting status determines the extent to which they can have access to documentation and secure premises. Records show that DCS David Cook was vetted to a high level from 1999, 2004 and 2009.[144] DCS Cook would have had the access he required to enter secure premises and to hold, in accordance with security requirements, sensitive documentation.

140. The Independent Police Complaints Commission did not articulate in its report the restrictions on access to protectively marked documentation, which can only be viewed by people who have the appropriate security clearance to enable the viewing of such documents. There is nothing in the report to indicate that Michael Sullivan had ever been assessed for security clearance.

141. The Independent Police Complaints Commission Report considered the Metropolitan Police media policy of 2006. The Independent Police Complaints Commission Report noted that '[i]*nspectors and above were authorised to speak to the media about their own areas of responsibility, provided an embargo would not be broken or disclosure would not compromise an investigation, operation or the judicial process and in high profile investigations SIO's* [sic] [Senior Investigating Officers] *were expected to make the media handling policy for the investigation clear to their team through briefings and decision log entries*'.[145] In addition, the policy '*allowed for "off the record" dealings with journalists dealing with matters not for public disclosure with an understanding of maintaining confidentiality and specification of what could be published*'.[146]

142. The Independent Police Complaints Commission Report also noted the media policy's provision that '[t]*he MPS* [Metropolitan Police Service] *will not, however, tolerate any police officer […] who improperly discloses information (either deliberately or recklessly) to the media (for example for personal gain or contrary to the media handling policy set out by an SIO* [Senior Investigating Officer])'.[147]

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144 D140, MPS107542001, pp48 and 67.
145 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p36, para 180, September 2014.
146 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p36, para 181, September 2014.
147 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp36-37, para 182, September 2014.

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143. The Independent Police Complaints Commission Report noted that '[a]s *a Detective Chief Superintendent attached to the MPS* [Metropolitan Police Service] *Homicide Command, David Cook would have been fully aware of the MPS media policies including that which warned, "The unofficial disclosure of information could not only have an impact on an investigation it could also damage the credibility of the MPS and its staff".*'[148]

144. The Panel obtained from the Metropolitan Police documents and policies covering the period between 2000 and 2019. Two policies applied during the period when DCS David Cook was working on the Abelard One/Morgan Two and Abelard Two Investigations.

145. The first document, dated 22 September 2000, was issued as a Special Notice to the Metropolitan Police by the then Commissioner, Sir John Stevens (now Lord Stevens). It was generally very encouraging of disclosure of information to the media, while recognising that '*it would be inappropriate for officers and civil staff to comment, such as with issues of security, terrorism and other critical incidents*'.[149] Among other things, the Commissioner said:

> '*If we are to gain the goodwill,* ***confidence*** [bold in original] *and support of the general public and achieve our aim of making London a safer place, we need to re-engage with the media and seize every opportunity to be much more proactive.*
>
> '*I want to see Metropolitan Police officers and civil staff representing the Service through the media, speaking up about their achievements, correcting inaccuracies and just as importantly, explaining why things may not have gone as we would have liked.*'[150]

146. The Special Notice provided that:

i. '*Inspectors and above are authorised to speak to the media about their own areas of responsibility.*

ii. *When confidence and trust is established, there may be occasions when* ***senior officers*** [bold in original] *will feel able to talk to reporters on an 'off the record' basis – dealing with matters not for public disclosure, explaining reasons for maintaining confidentiality and specifying what might be published.*

iii. *It will be for OCU* [Operational Command Unit] *commanders and heads of branches to decide at what levels within their own areas of responsibility such discretion may be exercised.*'[151]

147. **The Special Notice made no specific reference to investigations. However, the Panel notes that in justification of his many disclosures to journalists, former DCS David Cook spoke repeatedly of correcting misapprehensions, protecting the reputation of the police and acting in the public interest. This was very much the language of the Commissioner's document on media relations.**

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148 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p40, para 202, September 2014.
149 Special Notice19-00, p2, 22 September 2000.
150 Special Notice19-00, p1, 22 September 2000.
151 Special Notice19-00, p2, 22 September 2000.

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148. The second document was the Media Relations Standard Operating Procedures, which were issued in 2006 by the then Commissioner, Sir Ian Blair (now Lord Blair), and were referred to by the Independent Police Complaints Commission (see paragraphs 141-143 above). In addition to the matters alluded to by the Independent Police Complaints Commission, the Standard Operating Procedures stated that '*it is unlikely that*', in high profile investigations, '*the senior investigating officer* (SIO) *would wish any officer or police staff to divulge information without his/her express permission*'. The Procedures provided no specific advice or requirements for Senior Investigating Officers who wished to liaise with the media in relation to their investigations. They did, however, state very clearly that it is necessary that such '*disclosure would not compromise an investigation, operation or the judicial process*'.[152]

149. Some of the emails had been sent by DCS David Cook from his work email account(s) to his personal email account(s), and then forwarded to Michael Sullivan's personal account, which Michael Sullivan shared with his wife. On occasion, Michael Sullivan forwarded the documents to other email accounts which he had, predominantly his account with *The Sun* newspaper.[153]

150. The Independent Police Complaints Commission Report stated that '[t]*he emails sent by David Cook have been graded and those which are detailed below are those which in the view of the* IPCC [Independent Police Complaints Commission] *contain information which is of a most serious nature including those which contain sensitive police information and or personal information about others. Due to the quantity of email contact a policy decision was made to prioritise those which contained some level of sensitive or classified information.*'[154]

151. Although all the emails and attachments sent by former DCS David Cook to Michael Sullivan were analysed, the report of the Independent Police Complaints Commission focused on 46 emails which had been sent from former DCS Cook to Michael Sullivan. These 46 emails were considered to '*represent potentially the most serious examples of unauthorised or inappropriate disclosure*'.[155] Of the 46 emails, 43 had attachments.[156] The majority of these emails were sent between September 2008 and March 2011.[157]

152. An analysis of the attachments to the 43 emails which had been sent by former DCS David Cook to Michael Sullivan was prepared for the Independent Police Complaints Commission by DS Gary Dalby of the Metropolitan Police. The Operation Longhorn Report states that DS Dalby '*had previously worked on the investigation into the murder of Daniel MORGAN and as such had retained a considerable working knowledge of all aspects of the murder investigation*'.[158] DS Dalby was the case officer for the Abelard Two Investigation. A copy of a schedule of 43 attachments to the emails was provided to the Panel.

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152 Media Relations Standard Operating Procedures 2006, 05 July 2006.
153 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp15-27, paras 56-134, September 2014
154 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p14, para 50, September 2014.
155 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p14, para 51, September 2014.
156 Emails 1–43 from Appendix A of Operation Longhorn Report, IPC001322001-IPC001364001, 07 July 2008-04 May 2011.
157 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p14, para 51, September 2014.
158 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p15, para 53, September 2014.

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153. In the schedule,[159] DS Gary Dalby indicated in respect of each attachment:

i. The identification/description of the document.

ii. The Protective Marking Assessment:

All the documents which belonged to the Metropolitan Police were classified by DS Dalby as being 'Restricted', with the exception of a letter of apology, dated 30 March 2011, to Alastair Morgan signed by Acting Commissioner Tim Godwin. One of the documents was described as having originally had a '*Highly Confidential*' marking, but as being '*now restricted*'.[160] Another document was marked '*Confidential*' but a redacted version had been disclosed to the Defence. It is not clear whether a redacted version or the unredacted version was sent by former DCS Cook to Michael Sullivan.[161] Four documents did not belong to the Metropolitan Police.

iii. The author, disclosure and circulation details for the document:

In many cases there is no indication that the document had been properly disclosed for the purposes of the Abelard Two Investigation, but it is noted on the schedule that information contained in the document, or the subject matter of the document, had been disclosed in the course of the investigation or discussed in Court at some stage.

iv. The date on which the document was created.

154. It was legitimate for the Independent Police Complaints Commission to establish whether any of the documents disclosed by former DCS David Cook to Michael Sullivan had previously been disclosed to others. This might enable some assessment of possible harm resulting from the disclosure of the documents. However, the principal question to be determined was whether former DCS Cook had the authority to disclose the particular documents to Michael Sullivan.

155. The following documents/information were among the material which was provided by former DCS David Cook to Michael Sullivan. Some of it was protectively marked, other documents carried no protective marking but former DCS Cook, as an experienced investigator, knew that this material should not have been disclosed to a journalist:

i. On 07 July 2008, copies of documents created by Defence lawyers for the purposes of a bail application were sent by former DCS Cook to Michael Sullivan. The information within these documents included the naming of five prosecution witnesses together with the Defence's view of their credibility. It also included personal data about the Defendant's extended family, those prepared to stand surety, and details of the Defendant's wife's bank balance.[162] These documents were identified as having been

159 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, undated.
160 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p1, item 5, undated; and, email 5 of 46 from Appendix A of the Operation Longhorn Report, IPC001326001, pp1-5, 01 February 2009.
161 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p2, item 7, undated; and, email 7 of 46 from Appendix A of the Operation Longhorn Report, IPC001328001, pp1-6, 16 April 2009.
162 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp15-16, paras 57-59, September 2014.

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supplied by Defence lawyers to the Prosecution for a bail application three days previously, on Friday 04 July 2008. In his email of 07 July 2008, former DCS Cook stated, '*Mike, you can see the way in which JC*[163] *will go in his defence.*'[164] The report by the Independent Police Complaints Commission recorded that '[i]*t would not be expected that such a document would be shared with a journalist. The application contained personal information relating to individual bank accounts and similar private information. There was also no investigative rationale or justification for disclosing this document.*'[165]

ii. On 19 January 2009, former DCS Cook sent Michael Sullivan three emails, containing: an original witness statement dated 15 April 1987 from the Morgan One Investigation; the advice file which he had submitted to the Crown Prosecution Service dated 24 March 2003; and a discipline report dated 25 September 2000 from an investigation into corruption offences in 1999. All these documents were marked '*Restricted*', and the final document was stated in the accompanying schedule (see paragraphs 153-154 above) to be '[n]*ot relevant to the Morgan murder investigation*'.[166]

iii. On 31 January 2009, two emails were sent by former DCS Cook to Michael Sullivan. One contained a typed note, marked '*Abelard Two Highly Confidential.*' It was believed to have been created in January 2009 to explain the chronology and relationships between three connected anti-corruption investigations: Landmark, Hallmark, Nigeria and Two Bridges. The observation on the protective marking column of the schedule was that this had been '*Confidential at time of creation but now restricted*'.[167] The second document was entitled '*Points of Interest from Operation Gallery*' (another Metropolitan Police anti-corruption operation), which contained details of police intelligence about a specific individual and other sensitive information, including detailed information about other named individuals. This document was marked 'Confidential' and had not been disclosed to the Defence or to the Court.[168]

iv. On 15 April 2009, the Central Service Record of former DS Sidney Fillery was sent to Michael Sullivan. There is no indication that this document was ever disclosed to the Defence lawyers. This document was classified as 'Restricted'.[169]

v. On 16 May 2009, a copy of a bail application and other sensitive documents, which had been sent to the Crown Prosecution Service and Counsel on 12 May 2009 by a Defendant's solicitor and forwarded to the Metropolitan Police the following day, were provided to Michael Sullivan by former DCS David Cook. The bail application had been heard on 15 May 2009. The accompanying email read '[t]*his, because of its very nature must be kept to yourself and not disseminated or referred to. But it gives some good background.*'[170]

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163 James Cook
164 Email 1 of 46 from Appendix A of the Operation Longhorn Report, IPC001322001, p2, 07 July 2008.
165 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p16, para 62, September 2014.
166 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p1, items 2,3 and 4, undated.
167 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p1, item 5, undated.
168 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p1, item 6, undated.
169 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p2, item 11, undated.
170 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p8, item 33, undated.

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vi. On 28 May 2009, an email was sent from former DCS Cook's personal email account to both Michael Sullivan's personal and *The Sun* newspaper email addresses. There were no documents attached to this email. The email read '*Mike I will speak about this later*',[171] and went on to include details of witnesses, some of whom had admitted a number of criminal offences, together with details of their relatives and home addresses.[172]

vii. An email dated 02 June 2009 informed Michael Sullivan that the Abelard Two Investigation was going to arrest Kim Vian (wife of Glenn Vian) the following week for conspiracy to murder.[173]

viii. On 04 June 2009, a document totally unrelated to Daniel Morgan's murder was sent by former DCS Cook to Michael Sullivan. It included names, dates of birth and personal telephone numbers of a number of prison officers. This was material which former DCS Cook had obtained in disc format from his employer, the Serious Organised Crime Agency.[174] The material which made up the final document was gathered through the Serious Organised Crime Agency's Document Exchange facility and comprised a synopsis of intelligence reports between August 2004 and 2006, with the caveat '[t]*his publication contains information which if made public may be harmful to the enforcement objectives of the department. Readers are requested to ensure that adequate security arrangements exist for this publication.*'[175]

ix. On 15 July 2009, a copy of a witness statement made by Person J5 was leaked by former DCS Cook to Michael Sullivan.[176] It contained particularly sensitive information. Furthermore, the beginning of the statement indicated that this witness had taken some persuasion to provide information and would not have wanted their details passed to a journalist. According to the schedule, DS Gary Dalby stated that it was subsequently provided to the Prosecution, Defence and the Court, but no date was given as to when this happened. This document was classified as '*Restricted*'. The witness statement was passed to Michael Sullivan on the day after it had been taken, demonstrating the close and regular relationship between former DCS Cook and Michael Sullivan.[177]

x. On 25 August 2009, former DCS Cook emailed Michael Sullivan informing him of the forthcoming arrest of Jacqueline Cook (the wife of James Cook) in a money laundering case. It was accompanied by the following message: '[…] *gets arrested tomorrow for Money Laundering but we do not anticipate much out of it*'.[178]

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171 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p26, para 125, September 2014.
172 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p26, para 126, September 2014.
173 Email 44 of 46 from Appendix A of the Operation Longhorn Report, IPC001365001, 02 June 2009.
174 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p26, paras 128-130, September 2014.
175 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp26-27, paras 130-131, September 2014.
176 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p3, item 13, undated.
177 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p3, item 13, undated.
178 Email 45 of 46 from Appendix A of the Operation Longhorn Report, IPC001366001, 25 August 2009.

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xi. On 05 September 2009, a statement made three days previously, on 02 September 2009, by the wife of one of the Defendants, was leaked by former DCS Cook to Michael Sullivan. It was disclosed to the Defence on 17 September 2009 in the unused witness list.[179] This document was classified as '*Restricted*'.[180]

xii. An email dated 11 September 2009 was sent to Michael Sullivan, to which was attached a report to the Crown Prosecution Service seeking a decision as to whether to charge Kim Vian (see paragraph 155 vii above) in connection with the murder of Daniel Morgan. The email contained the following statement: '[s]*he will never get charged but you could almost turn this into part of a chapter on its own right with a bit of wordsmithing*'.[181]

xiii. On 17 October 2009, by email, former DCS Cook informed Michael Sullivan that '*we have found 4 pieces of DNA on Daniel's shoe which we have sent for urgent profiling…*'. This information should not have been disclosed. In the event no profile was secured.[182]

xiv. On 27 October 2009, a report on an unrelated and unsolved murder in 1996 was emailed by former DCS Cook to Michael Sullivan. It named suspects and had been sent to the Abelard Two Investigation by Essex Police, following the provision of information by a witness to the Abelard Two Investigation.[183] This document was classified as '*Restricted*' and had, until that point, only been revealed to the Crown Prosecution Service and Prosecution Counsel. Former DCS Cook had written in his email to Michael Sullivan, '[n]*ot for further circulation*'.

xv. On 02 November 2009, details of a visit made to a secure psychiatric hospital, to obtain information from two named patients about violent incidents to which they were linked, were leaked by former DCS Cook to Michael Sullivan.[184] The document containing the details had been provided to the Abelard Two Investigation three days previously, on 30 October 2009, by the officer who had visited the hospital.[185] It was reported to be accompanied by an email from former DCS Cook which stated, '*Mike, This will give you some great background of the levels of violence the Vians are engaged in. It is absolutely not for further circulation.*'[186] DS Dalby recorded that it was made available for inspection by Defence lawyers from February 2010.[187] This document was marked '*Sensitive*' and classified as '*Confidential*'.

xvi. On 22 November 2009, a very lengthy statement made by an undercover police officer, which related to a drugs operation and which ultimately led to a conviction, was provided by former DCS Cook to Michael Sullivan.[188,189] It did not relate directly to the

179 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p3, item 15, undated.
180 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p3, item 15, undated.
181 Email 18 of 46 from Appendix A of the Operation Longhorn Report, IPC001339001, 13 September 2009.
182 Witness statement, MPS003719001, 21 December 2009.
183 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p5, item 22, undated.
184 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p5, item 23, undated.
185 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p5, item 23, undated.
186 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p5, item 23, undated.
187 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p5, item 23, undated.
188 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p6, item 25, undated.
189 Email 25 of 46 from Appendix A of the Operation Longhorn Report, IPC001346001, pp2-21, 22 November 2009.

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murder of Daniel Morgan but was relevant to the credibility of one of the witnesses.[190] It was disclosed a month later on 21 December 2009 to Defence lawyers. This document was classified as '*Restricted*'.[191]

xvii. On 26 November 2009, the Metropolitan Police Report to the Crown Prosecution Service dated 03 October 1999 following Operation Two Bridges, which included details of officers suspected of corruption and the investigation thereof, was sent by former DCS Cook to Michael Sullivan.[192] The schedule records that '[a]*ll information contained in the file would have been disclosed at the trial of Rees and Others in 2000 and was discussed at length in the Abuse arguments*'. This document was classified as '*Restricted*'.[193]

xviii. On 30 November 2009, documentary exhibits gathered in a previous Metropolitan Police corruption operation, including invoices from Southern Investigations and Experian[194] and a list of VAT of clients were leaked by former DCS Cook to Michael Sullivan.[195] They related to Southern Investigations enquiries and Experian checks made in 1999, apparently on behalf of the *Daily Mirror* newspaper, regarding a named Member of Parliament and his family.[196] These documents were classified as '*Restricted*'.

xix. On 02 June 2010, a document was provided by former DCS Cook to Michael Sullivan[197,198] which contained information about two of the suspects and extracts from probe material obtained during Operation Nigeria/Two Bridges, together with a list of corrupt, named former police officers associated with the Defendants, including details of any criminal convictions. This document was created by DS Dalby in May 2010. The accompanying email from former DCS Cook to Michael Sullivan conveyed that '[t]*he attached file may be of some interest re background* […] *the project is lodged in my mind about hoping to get something out of this otherwise I am saddled with a mortgage that I neither want or need*'.[199] This document was classified as '*Restricted*'.

xx. On 23 February 2011, an email was sent by former DCS Cook to Michael Sullivan which contained a transcript from a covert listening device recorded in Glenn Vian's home on 19 October 2002.[200] In the accompanying email, former DCS Cook wrote '*Mike Reference our discussion yesterday. The attached is the conspiracy by Glenn and Garry that was captured by the probe we deployed through the house we purchased. With regards the other stuff, if I can find a way of getting it out without causing any problems I will see what I can do.*' This document was classified as '*Restricted*'.[201]

190 Person F11.
191 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p6, item 25, undated.
192 Email 32 of 46 from Appendix A of the Operation Longhorn Report, IPC001353001, 26 November 2009.
193 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p7, item 32, undated.
194 Experian plc is a company which carries out financial checks on individuals and companies.
195 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p7, item 31, undated.
196 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan [GXD/1/01052013], IPC001321001, p7, item 31, undated.
197 Email 28 of 46 from Appendix A of the Operation Longhorn Report, IPC001349001, pp3-8, 02 June 2010.
198 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p6, item 28, undated.
199 Email 28 of 46 from Appendix A of the Operation Longhorn Report, IPC001349001, p2, 02 June 2010.
200 Email 37 of 46 from Appendix A of the Operation Longhorn Report, IPC001358001, 23 February 2011.
201 '*Review of Exhibit KRR/50*', Email from former DCS David Cook to Michael Sullivan, IPC001321001, p9, item 37, undated.

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156. Thirteen emails, which had been sent by former DCS David Cook from his Serious Organised Crime Agency email address, were examined on behalf of the Serious Organised Crime Agency. The assessment was that eight posed a critical risk, three a high risk and two a medium risk to the organisation.[202]

157. The material (see paragraph 155 above) which was leaked by former DCS David Cook derived from a number of sources. It was fundamentally important material which should not have been leaked and its leaking had the capacity to jeopardise future investigative work on the issues contained in the material, to endanger named individuals and to significantly damage public trust in the institutions concerned. It is noted that former DCS Cook was leaking material within days of receipt by him, often before legitimate disclosure to others in the course of his work.

158. Emails sent by former DCS David Cook to Michael Sullivan which were not considered among the 46 emails analysed in depth in the Independent Police Complaints Commission report, included:

i. An email dated 09 April 2010 to which was attached a file relating to the evidence provided by Person J5 about the Asda supermarket robbery in March 1998. The email stated, '[i]*t will* give *you a further flavour of the stuff from* [Person J5]'.[203]

ii. An email dated 28 June 2010 which had been sent to AC John Yates, attached to which was a tabular analysis of the evidence given by all the major witnesses to date and evidence derived from the Inquest against each of the four Defendants charged with the murder of Daniel Morgan. Former DCS Cook stated, '*I have sent this on to JY* [AC John Yates] *for his information, but you may find it of value.*'[204,205]

159. In addition to these emails, the material provided to Operation Longhorn, by the Metropolitan Police, from News International's Management and Standards Committee included:

i. An email dated 30 April 2009 in which Michael Sullivan boasted to an independent agent that he had been given '*exclusive access to confidential police files going back 20 years*' relating to the murder of Daniel Morgan;

ii. An email dated 28 September 2010 from former DCS David Cook to Michael Sullivan which had attached copy invoice receipts from News International Supply Company relating to work completed by WJ Rees for various enquiries;

iii. An email dated 14 January 2011 to Michael Sullivan containing a copy of the Summary of Evidence against Jonathan Rees and a copy of all the evidential probe transcript material.[206]

202 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p27, para 134, 07 December 2011.
203 Email from former DCS David Cook to Michael Sullivan, EDN001121001, 09 April 2010.
204 Email from former DCS David Cook to Michael Sullivan, EDN001819001, 28 June 2010.
205 Evidence summary, document attached to email dated 28 June 2010, EDN001820001, undated.
206 Report MPS10984001, p.2 31 July 2014.

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iv. An email dated 24 May 2009 from former DCS Cook to Michael Sullivan in which he said that he had '*boxed up all 9 of the material I have in terms of corres etc*' and that material relates to: *'*[t]*he Adams (believed to be Ray Adams) and Taffy Holmes stuff but includes the "Hampshire Investigation"'.* Former DCS Cook said that he had '*told Jacqui we are moving it to your brothers so that we can work on it there.'* There was no search of Michael Sullivan's brother's house during either Operation Elvedon or Operation Longhorn.

The Crown Prosecution Service was said to have been provided with all the emails and attachments which had been disclosed to Michael Sullivan. For reasons of economy and brevity, the report focused on the 46 emails discussed above. However, other documents such as those referred to in paragraphs 158 and 159 were equal in significance to many of those on which the report focused.

160. The Panel asked the Metropolitan Police a series of questions on 05 September 2019 about the steps taken in relation to the unauthorised disclosures and breaches of the Data Protection Act 1998. In response to those questions, the Metropolitan Police:

i. indicated that no Metropolitan Police risk assessments of affected individuals were completed;

ii. indicated that individuals who were mentioned in the documents, or whose witness statements had been disclosed, had not been informed of the personal data breach; and

iii. could provide no information as to whether the Information Commissioner's Office had been informed about the data breaches at the time.[207]

161. The Information Commissioner was asked whether the breaches of the Data Protection Act 1998 had been reported to the Information Commissioner as required by law. The Information Commissioner was unable to state whether the breaches had been reported but confirmed that no information regarding the issue was currently held.

162. The Metropolitan Police owed a duty of care to anyone who was put at risk by the unlawful disclosure of documents by former DCS David Cook**.** The Metropolitan Police should have conducted any necessary risk assessments, notified these individuals that their personal data had been unlawfully disclosed, and informed the Information Commissioner, as was good practice at the time and is now prescribed by law under section 67 and section 68 of the Data Protection Act 2018. There is no evidence that this happened.

207 Metropolitan Police response to questions from the Panel, 07 January/28 February 2020.

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163. The Independent Police Complaints Commission noted that, in a number of the emails sent with the above documents, former DCS David Cook stressed to Michael Sullivan the sensitivity of the content and urged him not to pass the documents on further.[208]

4.1 Former DCS David Cook's responses to questioning

164. The Independent Police Complaints Commission reported that former DCS David Cook provided responses to a series of questionnaires through three prepared statements, after an initial '*no comment*' interview. He formally adopted his responses during a subsequent interview under caution by the Independent Police Complaints Commission on 08 November 2012.[209]

165. In response to questions regarding sending documents from his work email address to his personal email address, former DCS David Cook said that he was permitted to work from home and, because he did not have a Metropolitan Police computer, he used his personal computer which he locked away when not in use.[210] Former DCS Cook said that scanning documents and sending them via email was the most expedient way to access them while at home and saved him from carrying them in hard copy. Former DCS Cook denied an allegation that he sent documents in PDF format to avoid Metropolitan Police firewalls.[211] He did, however, acknowledge that, with hindsight, he should not have sent any documentation which was marked 'Highly Confidential' or 'Confidential', nor documents which contained personal data.[212]

166. Former DCS David Cook also told the Independent Police Complaints Commission that he accepted that he should not have sent confidential documents, and this would never have been authorised. The Independent Police Complaints Commission noted that '[h]*e did not attempt to argue that there was any legitimate investigative purpose for disclosing the information and it would appear to have been sent simply to assist the book project*'.[213]

167. Analysis of the emails had shown that, as early as 2006, DCS David Cook began to discuss with Michael Sullivan the prospect of writing a book about the investigation of the murder of Daniel Morgan, referring to it as '*the Book Project*'.[214] The Independent Police Complaints Commission Report contains a quotation from an undated email from former DCS Cook to Michael Sullivan discussing the proposed book, which concluded:

> '*The main thing I ask is that we*
>
> *1. Make an early agreement as to how we are going to do this and work towards it*
>
> *2. Keep it to ourselves to prevent professional problems and infiltration as you will soon find out*

208 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp39-40, para 199, September 2014.
209 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p6, paras 10-11, September 2014.
210 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p31, para 154, September 2014.
211 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p31, para 154, September 2014.
212 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p32, para 156, September 2014.
213 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p18, para 72, September 2014.
214 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp27-28, para 135, September 2014.

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3. Keep it absolutely factually based

4. Do not expose secret police methodology

5. Split everything 50/50.'[215]

168. Former DCS David Cook told the Independent Police Complaints Commission that he had approached one literary agent as a potential publisher, but he asserted that the motivation behind the publication of such a book was solely '*to reflect the progress of the MPS* [Metropolitan Police Service] *had made following previous criticisms*'.[216] Former DCS Cook could not recall whether he or Michael Sullivan had first made the suggestion of writing the book. He said that they had verbally agreed that the material would not be used until after the murder trial.[217]

169. The Independent Police Complaints Commission also identified two occasions, in May 2009 and August 2010, on which Michael Sullivan, in conversation with a publisher and a literary agent, raised the issue of the book project. No interest was shown in the project on either occasion.[218]

170. Former DCS David Cook said that he was under the impression that AC John Yates was comfortable with Michael Sullivan writing the book and that he (former DCS Cook) trusted Michael Sullivan '*implicitly*'.[219] Former DCS Cook also stated that he was aware of the Metropolitan Police previously allowing a journalist, Graeme McLagan, to access Metropolitan Police material for the purpose of writing a book.[220] Former AC Yates told the Panel in 2020 that '*as a senior and experienced detective, David Cook would have been well aware that the briefing of Michael Sullivan did not constitute carte blanche to share information about the investigation which was unrelated to the newspaper article intended to trigger fresh lines of enquiry and/or incriminating evidence.*'

171. Former DCS David Cook denied ever receiving payment for information provided to Michael Sullivan. Neither the Independent Police Complaints Commission, nor an independent financial investigation carried out on behalf of the Independent Police Complaints Commission, found evidence of payments from Michael Sullivan to former DCS Cook.[221]

215 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p28, para 137, September 2014.
216 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p29, para 139, September 2014.
217 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp29 and 33, paras 140 and 161, September 2014.
218 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp30-31, paras 146-151, September 2014.
219 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p29, para 141, September 2014.
220 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p29, para 142, September 2014.
221 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p32, para 157, September 2014.

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172. Although there is no record of any immediate financial benefit, the following email from former DCS David Cook to Michael Sullivan shows that it was anticipated by both parties that they would benefit from access to and use of the material contained in these unauthorised disclosures to make a profit from the book which they planned to publish:

iv. An email on 29 June 2009 stated that '*the book will allow me to put over my or the Police side of the events* [...]*Yes any money accrued from the book would also be an advantage* [...] *but I do not anticipate that I/we will become rich out of it unless of course there is a movie deal of some sort*.'[222]

v. An email on 02 June 2010, which stated: '*I am saddled with a mortgage that I neither want or need*.'[223]

173. The Independent Police Complaints Commission Report said that former DCS David Cook had told investigators that '*a lot had been written about the Daniel Morgan murder that was incorrect. He wanted Michael Sullivan to have the material and did not have time to identify it himself so e-mails were the quickest way.*'[224] When asked whether he thought he had authorisation to release information/documents, he said: '[i]*t is difficult to know what I believed at the time. I believed I had the authority to discuss with the media anything relating to the investigation*. *There were no parameters set by anybody.*'[225]

174. The statement that there were no parameters set by anyone is not true and does not reflect the various policies and procedures which were well established with the Metropolitan Police, and of which former DCS David Cook as a senior officer would have been fully aware.

175. The evidence shows that the reason why former DCS David Cook was sharing material with Michael Sullivan was that they proposed to write a book together from which they anticipated earning royalties which they would split evenly.

176. In a further prepared statement, responding to additional questions from the Independent Police Complaints Commission, former DCS David Cook stated that '*my mindset was affected greatly by the ill health I was suffering although I did not necessarily realise this at the time. I was unwaveringly focussed on ensuring that Mike* [Michael Sullivan] *had all the information he needed to be able to tell my story if I was not alive to do so.*'[226]

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222 Email 8 of 46 from Appendix A of the Operation Longhorn Report, IPC001329001, p2, 29 June 2009.
223 Email 28 of 46 from Appendix A of the Operation Longhorn Report, IPC001349001, p2, 2 June 2010.
224 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p32, para 159, September 2014.
225 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p32, para 160, September 2014.
226 '*Addendum Prepared Statement of Mr David Imrie-Cook*', IPC001319001, p2, para 12, undated.

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177. Former DCS David Cook told the Independent Police Complaints Commission that he was unaware of exactly how Michael Sullivan was storing the documents: he believed that no other person had access to them.[227] He acknowledged '*that sending sensitive and confidential documents to Mike would never have been authorised. I accept that providing Mike with material later in the investigation by way of email was not the best professional decision*.'[228] However, he went on to say that he did not understand the full extent of the Data Protection Act 1998 and did not at any stage consider he was contravening it until he was arrested and this was put to him.[229]

178. Former DCS David Cook's belief that no other person than Michael Sullivan could have access to the material was misplaced. Much of the material was sent to an email address shared by Michael Sullivan and his wife.

On many, but not all occasions, former DCS Cook stressed to Michael Sullivan the confidentiality of the documents which he had leaked. This demonstrates that DCS Cook appreciated the sensitivity of what he was sending.

The evidence demonstrates that this was not a matter of the failure of professional judgement but was a wrongful and unlawful leaking of highly confidential and sensitive information by former DCS Cook.

As stated above, former DCS Cook was a senior officer and would have known the occasions and circumstances in which disclosure was permitted, and the limitations on disclosure.

4.2 The findings of the Independent Police Complaints Commission

179. The Independent Police Complaints Commission concluded its report and made a number of findings as follows:

i. Found that former DCS David Cook sent documents via secure Government email to his own personal email account(s) before forwarding them to Michael Sullivan and retained the documents sent from his Serious Organised Crime Agency and Metropolitan Police email accounts within his insecure personal email accounts.[230]

ii. Stated that '[t]*he SOCA* [Serious Organised Crime Agency] *risk assessment … identified those e-mails sent by David Cook from his SOCA e-mail account to his personal e-mail address(s) which* [the Serious Organised Crime Agency] *considered posed a critical risk to that organisation*'.[231]

227 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p33, para 161, September 2014.
228 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p33, para 162, September 2014.
229 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p33, para 163, September 2014.
230 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p40, para 200, September 2014.
231 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp27 and 40, paras 134 and 201, September 2014.

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iii. Found that the friendship between former DCS Cook and Michael Sullivan was genuine.[232]

iv. Found that there was no evidence that Michael Sullivan had used information provided by former DCS Cook for any other journalistic purposes.[233]

v. Concluded that former DCS Cook was reckless as to the security of the information or the consequences, should the material have '*landed in the possession of others*',[234] which demonstrated a disregard for law enforcement and legislative policies.[235]

vi. Found that former DCS Cook had shown little or no consideration for those identified in the material, disclosure of which could have a particularly grave effect on those vulnerable individuals identified in the documentation.[236] The examples given included the witness statement of a victim who described herself as '*frightened for her life*' and a report detailing a visit to a high security psychiatric unit, where two patients were interviewed.[237]

vii. Concluded that former DCS Cook did not have any authorisation to disclose the material sent to Michael Sullivan. Much of the material which was leaked contained sensitive and/or personal data. Of the 46 emails which were examined, 23 of the attachments should not have been disclosed to anyone outside the Metropolitan Police or the Serious Organised Crime Agency.[238]

viii. Rejected former DCS Cook's admission that he failed to consider the implications of the Data Protection Act 1998, the consequences of the disclosure of material sent to Michael Sullivan, and the Metropolitan Police media policies, saying it was '*remarkable given that he held the highest security vetting status working on an investigation that had been damaged by allegations of police wrongdoing and leaking*'.[239]

ix. Found no evidence of any financial gain as a result of former DCS Cook sending documentation to Michael Sullivan for the purpose of the book project, although comments were made in the emails regarding potential earnings.[240]

x. Concluded that although Michael Sullivan had been initially used as part of an investigative strategy during the Abelard Two Investigation to place articles in the press to prompt conversations between suspects, any email communication after this related to a plan by former DCS Cook and Michael Sullivan to write a book on the

232 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp13-14, para 47, September 2014.
233 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p14, para 48, September 2014.
234 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p41, para 203, September 2014.
235 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p41, para 205, September 2014.
236 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p41, para 205, September 2014.
237 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp41-42, paras 206-207, September 2014.
238 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p38, para 192, September 2014.
239 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp 38-39, para 193, September 2014.
240 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p41, para 204, September 2014.

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police investigation of Daniel Morgan's murder. Additionally, former DCS Cook had provided information to Michael Sullivan which could not have been considered part of the original Metropolitan Police '*inclusion strategy*'.[241]

xi. Stated that former DCS Cook had not provided any credible explanation as to why he sent material unconnected to Daniel Morgan's murder to Michael Sullivan. One document contained a large volume of sensitive personal data dealing with issues of corruption within HM Prison Service, compiled from intelligence reports (see paragraph 155 viii above).[242]

xii. Stated that no evidence had been found indicating that Michael Sullivan had misused any information provided to him by former DCS Cook, or that the passing of information to Michael Sullivan had any impact on the collapse of the Daniel Morgan murder trial in March 2011.[243]

xiii. Stated that although former DCS Cook claimed that his psychological health was suffering (which was corroborated, in part, by his medical records), an analysis of the text of emails painted a different picture, suggesting that he was well aware of the risk attached to what he was doing in sending such material to Michael Sullivan.[244] Comments contained in emails from former DCS Cook which warned Michael Sullivan of the sensitivity of the content included: '*keep this absolutely to yourself*';[245] '*very sensitive therefore for your information only*';[246] '*absolutely not for further dissemination*';[247] and, '*very sensitive so please do not share*'.[248]

xiv. Stated that '[t]*he investigation has identified serious failings in David Cook's handling of law enforcement material in general. There is evidence of reckless neglect on his part while holding a senior position in public office. The conduct of David Cook was entirely self serving and is not what the public might reasonably expect from a person entrusted with such information.*'[249]

xv. Stated that '*David Cook retired as a serving officer from the MPS* [Metropolitan Police Service] *in 2007 and as a senior manager from SOCA* [Serious Organised Crime Agency] *in July 2013. Had he been an employee of either organisation at this time and subject to either Code of Conduct (SOCA or MPS) I believe from the evidence available there would be a case to answer for gross misconduct.*'[250]

241 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp41-42, para 207, September 2014.
242 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p39, para 197, September 2014.
243 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p41, para 204, September 2014.
244 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp39-40, paras 198-199, September 2014.
245 Email 9 of 46 from Appendix A of the Operation Longhorn Report, IPC001330001, p2, 03 July 2009.
246 Email 14 of 46 from Appendix A of the Operation Longhorn Report, IPC001335001, p2, 03 August 2009.
247 Email 16 of 46 from Appendix A of the Operation Longhorn Report, IPC001337001, p2, 07 September 2009; and, email 19 of 46 from Appendix A of the Operation Longhorn Report, IPC001340001, p2, 14 September 2009.
248 Email 20 of 46 from Appendix A of the Operation Longhorn Report, IPC001341001, p2, 10 October 2009.
249 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p42, para 210, September 2014.
250 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p42, para 211, September 2014.

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180. The Independent Police Complaints Commission's Report was then sent to the Crown Prosecution Service for review on 13 October 2014.

4.3 Review by the Crown Prosecution Service to determine whether the case should proceed further

181. The Crown Prosecution Service reviewed the case under Paragraph 4.2 of the Code for Crown Prosecutors of 2013, which stated the following:

> '*In most cases prosecutors should only decide whether to prosecute after the investigation has been completed and after all the available evidence has been reviewed. However, there will be cases where it is clear, prior to the collection and consideration of all likely evidence, that the public interest does not require a prosecution. In these instances, prosecutors may decide that the case should not proceed further.*'[251]

182. Paragraph 4.3 of the Code states:

> '*Prosecutors should take such a decision when they are satisfied that the broad extent of the criminality has been determined and that they are able to make a fully informed assessment of the public interest. If prosecutors do not have sufficient information to take such a decision, the investigation should proceed and a decision taken later in accordance with the Full Code Test set out in this section.*'

183. The purpose of the review of the file was therefore to establish whether a full investigation was required or whether it was clear that the public interest did not require a prosecution.

184. The Panel has reviewed email correspondence, from October 2014 to October 2015, between the Independent Police Complaints Commission and the Crown Prosecution Service. It has noted that the Crown Prosecution Service requested a full file after the Independent Police Complaints Commission's referral on 13 October 2014.[252] The Independent Police Complaints Commission worked on putting together a full file, as requested. However, in May 2015, after a meeting between the Independent Police Complaints Commission and the Crown Prosecution Service, it was decided that '*in light of the more recent Op Elveden trials and following the issue of further guidance to the CPS* [Crown Prosecution Service]*, AF* [Adrian Flasher] *was considering whether it was in the public interest to prosecute David Cook (Op Longhorn)*', and that the Independent Police Complaints Commission '*could postpone any further work they were doing in relation to Op Longhorn*'.[253,254] The Crown Prosecution Service then reviewed the file under Paragraph 4.2 of the Code for Crown Prosecutors.

185. In November 2020, the Crown Prosecution Service stated that there was additional engagement which occurred between the Crown Prosecution Service and the Independent Police Complaints Commission after the report was received, involving additional correspondence and conferences which took place in the intervening period, and further

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251 The Code for Crown Prosecutors of 2013, https://www.cps.gov.uk/sites/default/files/documents/publications/code_2013_accessible_english.pdf, p6, Paragraph 4.2.

252 Independent Office for Police Conduct Disclosure on 03 April 2020, Early Case Planning Strategy form.

253 Independent Office for Police Conduct Disclosure on 03 April 2020, meeting with Crown Prosecution Service.

254 Independent Office for Police Conduct Disclosure on 03 April 2020, guidance document from Crown Prosecution Service '*Additional guidance on cases involving payments made to corrupt public officials by journalists'.*

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evidence which allowed the prosecutor to understand the extent of criminality alleged. Although, the Panel had asked for all relevant correspondence, it did not receive any in respect of the period after the report was received.

186. The Crown Prosecution Service's decision to review the file in relation to former DCS David Cook was not justified by the evidence which had been identified during the Independent Police Complaints Commission investigation. The effect of the decision was to limit further investigation. Given what had been uncovered, analysed and concluded by the Independent Police Complaints Commission, a full investigation should have ensued, and a full file should then have been considered by the Crown Prosecution Service.

187. The Panel has examined the additional '*guidance to prosecutors on prosecuting public officials, journalists, and others for the Common Law offence of Misconduct in Public Office, arising out of Operation Elveden, the police investigation into the payment of corrupt public officials by journalists for information.*'[255,256] This additional guidance deals only with the situation in which money is given by the recipient of the document(s) to the person disclosing the document(s). It refers only therefore to immediate benefit and does not make any reference to the situation in which no money passes, but the two individuals concerned are, as in the case of former DCS David Cook and Michael Sullivan, engaged in a project which is intended to make money in the future. The Panel does however acknowledge that such guidance cannot feasibly cover every factual scenario.

188. The additional guidance stated:

> '*Police officers are entrusted with a great deal of power and discretion, and exercise these powers with the public at large. They regularly receive confidential information from the public, as victims and witnesses about crimes and other traumatic events. The public rightly believe they can rely on the integrity and incorruptibility of police officers to protect their privacy. In addition, and unlike many of the public office holders, the police have access to powerful databases, which store confidential information and hold it securely for police purposes. Corrupt police officers who have access to these databases and confidential information, and misuse the information by selling it to journalists and others, do profound harm to the public interest in maintaining confidence in law and order. For this reason, unless the factors in paragraph 31 of the Guidelines apply, the public interest will usually require the prosecution of a corrupt police officer.*'[257,258]

255 Independent Office for Police Conduct Disclosure on 03 April 2020, guidance document from Crown Prosecution Service, '*Additional guidance on cases involving payments made to corrupt public officials by journalists*', p1, para 1, undated.
256 https://www.cps.gov.uk/legal-guidance/media-additional-guidance-case-involving-payments-made-corrupt-public-officials.
257 Independent Office for Police Conduct Disclosure on 03 April 2020, guidance document from the Crown Prosecution Service, '*Additional guidance on cases involving payments made to corrupt public officials by journalists*', p2, para 9, undated.
258 https://www.cps.gov.uk/legal-guidance/media-additional-guidance-case-involving-payments-made-corrupt-public-officials.

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RECOMMENDATION

189. It is recommended that the Crown Prosecution Service's additional guidance should be amended to include a requirement that the Prosecutor should consider whether the information was disclosed with a view to one or both parties securing future profit from the use of that material. Moreover, the additional guidance should also be amended to note that the advantage to the parties disclosing the document(s) may not be purely financial but, as in the case of former DCS David Cook and Michael Sullivan, could be reputational and could have improved their employability in the future.

190. The Crown Prosecution Service asked one of its Specialist Prosecutors, Adrian Flasher, to review the case in accordance with Paragraph 4.2. Hereafter, Adrian Flasher will be referred to by his post as a Specialist Prosecutor.

191. The Specialist Prosecutor stated that he was '*asked to advise whether the conduct of* DC [former DCS David Cook] *amounts to the criminal offence of Misconduct in a Public Office or an offence under the Data Protection Act 1988*'.[259]

192. He went on to state:

> '*I am reviewing this case under Paragraph 4.2 of The Code, as I am satisfied that I have sufficient information to assess the broad extent of the criminality and that it is clear that the public interest does not require a prosecution against DC* [former DCS David Cook] *for an offence of Misconduct in Public Office or for a breach of the Data Protection Act 1998 (Full Code Test – Paragraph 4.2.).*'[260]

193. During the introduction to the written advice, the Specialist Prosecutor set out his understanding of the allegations and their status:

i. He described the allegations as being, '*in short* […] *that DC* [former DCS David Cook] *sent to MS* [Michael Sullivan] *personal data about witnesses and suspects together with sensitive police information so that a book could be written about the role of DC* [former DCS David Cook] *in the* MPS [Metropolitan Police] *investigation into the murder of Daniel Morgan*'.[261]

This narrow assessment of the allegation fails to recognise that a number of highly sensitive documents not connected to the murder of Daniel Morgan were sent by former DCS David Cook from a variety of police investigations and operations. These documents largely related to wider issues of alleged corruption. It cannot be concluded that the only motive for such action was to write a book on the Daniel Morgan murder investigations.

ii. The Specialist Prosecutor considered it to be '*significant*' that former AC John Yates (Head of the Directorate of Professional Standards) made a statement to the Independent Police Complaints Commission in this investigation, where he observed

259 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p4, para 12, 11 September 2015.
260 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p5, para 14, 11 September 2015.
261 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p4, para 8, 11 September 2015.

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there to have been occasions when Michael Sullivan had mentioned writing a book and that he, John Yates, may have considered the co-operation of the Metropolitan Police in such a project after the conclusion of the case.[262]

a. The analysis does not recognise that, in his statement, former AC John Yates wrote, '*My experience of journalists* […] *is that they often talk about such projects but rarely* […] *get around to it. I took Mike Sullivan's mention of the book to be in this vein. I cannot recall him mention any formal collaboration with Dave Cook – neither did Dave Cook ever mention it to me.*' This contradicts what former AC John Yates told the Panel in November 2020, that the possibility of cooperating with Michael Sullivan was something he discussed with DCS David Cook on the express understanding that '*this would require the endorsement of the Morgan family and could not be undertaken until the case had concluded, including all avenues of appeal*'.

b. Former AC John Yates then went on to describe how another journalist who had written a book had the cooperation of the Metropolitan Police in allowing him access '*under supervision*' to a range of sensitive material. He went on, '*I would certainly not have authorised such access to sensitive material by Mike Sullivan prior to the conclusion of the case. I believe Dave Cook would have been well aware of this.*' The provision of copies of Metropolitan Police documents to Michael Sullivan would not have been considered as appropriate or authorised by former AC John Yates. In addition, he stated, '[t]*he idea of the SIO* [Senior Investigating Officer] *collaborating (and no doubt benefitting commercially) on writing a book would have been hugely significant* […] *I would certainly have advised Dave against it. If Alistair* [sic] *Morgan had found this out I believe this would have done a great amount of damage to the relationship that we had fought so hard to build up with his family.*'[263]

iii. The Specialist Prosecutor stated in the introduction to his review, '[i]*t is worthy of note that in the relevant period of the emails (2006 to 2011) and particularly between September 2008 and February 2011,* DC [DCS David Cook] *was receiving medical treatment for anxiety and depression.*'[264]

While this assessment of former DCS David Cook might be accurate, and be relevant to mitigating his behaviour, the steadfast and determined way in which former DCS Cook leaked the highly sensitive documents demonstrates a lucid, focused mind. Despite this, he continued to work full time, firstly for the Metropolitan Police on secondment to the Serious Organised Crime Agency, and later for the Serious Organised Crime Agency with an ongoing remit from the Metropolitan Police in respect of the Abelard Two Investigation.

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262 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p4, para 9, 11 September 2015.
263 Witness statement of former AC John Yates, IPC001368001, pp7-8, 08 July 2012.
264 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p4, para 11, 11 September 2015.

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194. After the introduction, the Specialist Prosecutor went on to set out the following:

i. The offences under consideration;

ii. The key evidence;

iii. Outstanding investigation;

iv. Review of the evidence received to date;

v. The Director's guidelines;

vi. The Public Interest Stage of the 'Full Code Test'; and

vii. His conclusions.[265]

195. The Specialist Prosecutor examined the material sent to him. The Panel has not seen a list of the documentation considered. He reported that, since he did not have a full file, he could not apply the Evidential Stage of the Code. In order to do so, he reported he would have required significant further material, without which he could not review the file to determine whether there was sufficient evidence for a realistic prospect of conviction. He provided a non-exhaustive list of the further material, which included:

i. Victim impact statements from the family of Daniel Morgan and individuals whose data had been leaked.

ii. Interview transcripts or tapes for the interview on 08 November 2012 of former DCS David Cook.

iii. Unused material schedules of other interlinked operations.

iv. Evidence about former DCS Cook's authority and security clearance to work from home and to use non-secure email.

v. Evidence about the extent of information given to a freelance journalist, Graeme McLagan, and how access to material was facilitated.

vi. Forensic evidential reports on the contents of media exhibits seized from former DCS Cook's home.

vii. Minutes of the Gold Group meetings that would shed light on: (a) the Media Strategy; and (b) the reasons that former DCS Cook continued to act as Senior Investigating Officer after his retirement from the Metropolitan Police.

viii. Evidence to support the security classification placed on documents.

ix. Evidence about former DCS Cook's health and his applications for a senior position within the Serious Organised Crime Agency.

265 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, pp5-46, 11 September 2015.

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x. More detailed evidence about the decision to bring Michael Sullivan into the Metropolitan Police investigation and minutes of any meeting where the extent of his involvement was considered.[266]

196. **In relation to 194 iii. above, there were several interlinked operations, investigations and judicial enquiries around and involving former DCS David Cook. The Specialist Prosecutor made reference to both the Metropolitan Police enquiry, 'Operation Megan' (which he knew to be considering former DCS Cook's contact with other journalists), and the Independent Police Complaints Commission's *Panorama* investigation (which was considering the provision of material relating to Jonathan Rees to BBC journalists by former DCS Cook). He noted that they would both appear to him to be '*highly relevant*' but was, nevertheless, prepared to state that he was able to determine the broad extent of former DCS Cook's criminality without reference to them.**

197. **In relation to 195 x above, the Specialist Prosecutor had apparently considered the statement made by former AC John Yates to the Independent Police Complaints Commission. This, however, defined the very limited authorised use of Michael Sullivan within the Daniel Morgan investigation: '[t]*o be clear, this was a one off authority/inclusion of a particular individual (Mike Sullivan) for a particular purpose. It could never have been interpreted as a more general authority for any officer to release additional material then or in the future* [...]. *My recollection is that Mike Sullivan was briefed about the background of the case, including that covert methods were employed. I repeat, in my opinion the inclusion could never have been interpreted as a more general authority for any officer to release additional material then or in the future.*'**[267]

4.4 Consideration of the offence of misconduct in public office

198. The Specialist Prosecutor stated that former DCS David Cook had been a public officer, acting as such at the time he sent the emails in question to Michael Sullivan.[268] In order to prove the offence of misconduct in public office, it had to be shown that he had wilfully neglected to perform his duty or misconducted himself to such a degree as to amount to an abuse of the public's trust in him, without reasonable excuse or justification.[269]

199. Given the admission of former DCS David Cook, that he had sent the emails and attachments to Michael Sullivan, that he had known he should not have done so, and his admission that the purpose of the emails was in relation to the future publication of a book (the '*Book Project*'), the Specialist Prosecutor found that in respect of some of the emails sent by former DCS Cook, he had wilfully misconducted himself.[270]

200. As former DCS David Cook's reason for the '*Book Project*' was to set '*the record straight*' and '*show the integrity of his investigation*',[271] it was the view of the Specialist Prosecutor that this could be capable of being construed as amounting to a reasonable excuse or justification for former DCS Cook sending the emails and attachments to Michael Sullivan.[272]

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266 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, pp27-28, para 124, 11 September 2015.
267 Witness Statement of former AC John Yates, IPC001368001, pp6-7, 08 July 2012
268 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p29, para 130, 11 September 2015.
269 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p29, para 129, 11 September 2015; Attorney General's Reference (No.3 of 2003) Court of Appeal Criminal Division, 07 April 2004.
270 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p29, para 131, 11 September 2015.
271 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, pp31 and 33, paras 137 and 146, 11 September 2015.
272 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p33, para 147, 11 September 2015.

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201. The Specialist Prosecutor's conclusion was based on a number of factors:

i. He had seen no evidence that former DCS David Cook received any financial gain,[273] or that the sending of emails had any responsibility for the failure to prosecute or had caused damage to the murder investigation.[274]

> There was clear evidence of an intention that former DCS David Cook would financially benefit. This was set out in the Operation Longhorn report. Furthermore, it was impossible to assess the future damage that the disclosure of the highly sensitive material might do, especially that assessed by the Serious Organised Crime Agency as posing a '*critical risk*' (see paragraph 157 above).

ii. The '*sole purpose*' of a number of the emails sent by former DCS Cook to Michael Sullivan was to further the '*Book Project*',[275] the aim of which was to '*put the record straight*'[276] in relation to the previous investigation into the murder of Daniel Morgan, and to put forward the Metropolitan Police's and former DCS Cook's approach to the investigation in a positive light.[277]

> There were emails sent that were not connected to the investigation of Daniel Morgan's murder. There is an inference to be drawn, therefore, that the Daniel Morgan case was not the sole purpose of the agreement between former DCS Cook and Michael Sullivan.

iii. The sending of information by former DCS Cook to Michael Sullivan did not amount to an abuse of the public's trust in the office holder to the very high threshold required for a prosecution. The Specialist Prosecutor recommended that the matter would more properly have been dealt with internally by the Metropolitan Police rather than by prosecution.[278]

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273 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p30, para 135, 11 September 2015.
274 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p30, para 134, 11 September 2015.
275 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p31, para 137, 11 September 2015.
276 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p33, para 146, 11 September 2015.
277 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p31, para 139, 11 September 2015.
278 Crown Prosecution Service, Operation Longhorn Report, p32, para 144, 11 September 2015.

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202. The Specialist Prosecutor did not explain how he came to the conclusion that the threshold for prosecution was not met. None of the documents examined during the investigation should have been provided by former DCS David Cook. Some of them, such as an Essex Police report on a murder,[279] were not disclosed to Defence lawyers acting in the case in question and did not relate to the murder of Daniel Morgan. The Panel does not consider it appropriate to conclude that such actions by an individual police officer could be justified as seeking to 'prove the integrity of his investigation', nor could they amount to actions which should be reasonably excused and therefore not prosecuted. Were this the case, then any dissatisfied police detective would have a route through which to seek to justify his or her actions, a route which would almost inevitably involve breach of the law and of police policy, and which might ultimately compromise the integrity of future prosecutions.

4.5 Offences under the Data Protection Act 1998

203. The Specialist Prosecutor concluded that the emails sent by former DCS David Cook to Michael Sullivan '*disclosed personal data or the information contained in personal data*'.[280]

204. The Specialist Prosecutor then considered whether former DCS David Cook could rely on any of the following statutory defences:

i. '[T]*hat he acted in the reasonable belief that he had in law the right to obtain or disclose the data or information*'.[281]

   The Specialist Prosecutor did not believe, based on the evidence, that former DCS Cook had such a right in law.[282]

ii. '[T]*hat he acted in the reasonable belief that he would have had the consent of the data controller if the data controller had known of the obtaining, disclosing or procuring and the circumstances of it*'.[283]

   The Specialist Prosecutor noted, based on former DCS Cook's knowledge of the book '*Bent Coppers*' and the extent of information previously provided by the Metropolitan Police to the journalist Graeme McLagan, that it was arguable that former DCS Cook had acted in the reasonable belief that he would have had consent for the '*Book Project*'.[284]

279 Email 22 of 46 from Appendix A of the Operation Longhorn Report, IPC001343001, 27 October 2009.
280 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p33, para 148, 11 September 2015. Contrary to Section 55(1)(a) of the Data Protection Act 1998.
281 Data Protection Act 1998, s 55(2)(b).
282 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p33, para 148i, 11 September 2015.
283 Data Protection Act 1998, s 55(2)(c).
284 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p33, para 148ii, 11 September 2015.

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This ignores the fact that former DCS Cook had admitted he had no such permission from the Metropolitan Police and that any such permission could only have been obtained some considerable time after the leaking of the material, i.e. at the conclusion of the case. The data belonged to the Metropolitan Police.

iii. That '*in the particular circumstances the obtaining, disclosing or procuring was justified as being in the public interest*'.[285,286]

The Specialist Prosecutor stated that there was a public interest[287] in the publishing of the book, subject to an investigation into the extent of what information had been in the public domain:[288]

i. Former DCS Cook wanted to use his book to highlight the integrity of the investigation into the murder of Daniel Morgan, as well as the integrity of the Metropolitan Police from the time of his involvement.[289]

ii. The public had an interest in the case because of corruption during earlier investigations and the fact that the case remained an unsolved crime.[290] The Specialist Prosecutor stated that former DCS Cook's proposed book had the potential to expose corruption and potential miscarriages of justice.[291]

iii. His proposed book had been capable of raising or contributing to an important matter of public debate, which although no exhaustive definition had existed, included public debate about serious impropriety, significant unethical conduct and significant incompetence, which affected the public.[292]

205. The Specialist Prosecutor concluded that he was satisfied that he had sufficient information to assess the broad extent of the criminality of former DCS David Cook, concluding that it was unlikely that there would be sufficient evidence for a realistic prospect of conviction in relation to an offence of misconduct in public office and, in addition, there were potential statutory defences available to former DCS Cook for an offence under the Data Protection Act 1998.[293]

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285 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p33, para 148iii, 11 September 2015.
286 Data Protection Act 1998, s 55(2)(d).
287 *When considering cases affecting the media in which freedom of expression and the right to receive and impart information are in issue, prosecutors should specifically go on to consider: Whether the public interest served by the conduct in question outweighs the overall criminality?* Media: Guidance for prosecutors on assessing the public interest in cases affecting the media, https://www.cps.gov.uk/legal-guidance/media-guidance-prosecutors-assessing-public-interest-cases-affecting-media para 28.
288 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p33, para 148iii, 11 September 2015.
289 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p35, para 156, 11 September 2015.
290 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p35, para 157, 11 September 2015.
291 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p35, para 159, 11 September 2015.
292 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p36, para 161, 11 September 2015.
293 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p34, para 150, 11 September 2015.

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206. The Specialist Prosecutor does not appear to have considered that, by the time he was making this decision, the murder trial had collapsed due, in part, to major failings on the part of former DCS David Cook. These had been classified by the defence as corrupt activities and the Judge had concluded that former DCS Cook had prompted and "tipped off" witnesses. In these circumstances, it was inappropriate for the Specialist Prosecutor to decide that there was any public interest in former DCS Cook leaking confidential information to publish a book which would be self-serving both in terms of seeking to clear his name and benefitting financially. In November 2020, the Crown Prosecution Service stated to the Panel that in their view, '*the decision reached was a reasonable one and is justifiable based upon the evidence which was available, applying the law, guidance and Code as it was*'. The Crown Prosecution Service also reiterated that the threshold for an offence of misconduct is high, and that such misconduct must be dishonest, oppressive or corrupt to come within the criminal threshold. The Panel believes that the elements of dishonesty and corruption are present.

4.6 The Director of Public Prosecutions' Guidelines on Assessing the Public Interest in cases involving the Media

207. The Specialist Prosecutor went on to consider the Director of Public Prosecutions' Guidelines on Assessing the Public Interest in cases involving the Media, which stated the following:

> '*When considering cases affecting the media in which freedom of expression and the right to receive and impart information are in issue, prosecutors should specifically go on to consider: Whether the public interest served by the conduct in question outweighs the overall criminality*'.[294]

208. In line with the guidance, the Specialist Prosecutor engaged in a three-stage process:

i. Assessing the public interest served by the conduct in question:

The Specialist Prosecutor assessed the public interest served by the conduct as being medium to high.[295] His reasoning for this was that there had been '*a number of public enquiries and a television documentary about the investigation*',[296] and that former DCS David Cook's planned book was capable of '*exposing corruption and potentially miscarriages of justice*'.[297]

294 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p34, para 152, 11 September 2015.
295 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p36, para 161, 11 September 2015.
296 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p35, para 158, 11 September 2015.
297 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p35, para 159, 11 September 2015.

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In fact, former DCS David Cook had said that the book was to be written to '*put over my or the Police side of the events putting a balance on whatever is said*'.[298,299] By the time the Specialist Prosecutor's assessment was being made, former DCS Cook's integrity had been seriously criticised during the collapse of the Abelard Two Prosecution case. He was the subject of two other investigations for potentially criminal behaviour alleging similar leaks not connected to the writing of this book. It is impossible to understand how the Specialist Prosecutor could reach the view that he did.

ii. Assessing the overall criminality:

The Specialist Prosecutor assessed the overall criminality as being medium to high.[300] His reasoning for this was that former DCS David Cook was a high-ranking police officer in a position of trust (leading a difficult and sensitive investigation which was already tainted by corruption), whose offending behaviour amounted to '*not respecting the security classifications of documents and their handling, and improper use of personal data*'. He went on to say that '*the only person who would have known about the emails or their contents was MS* [Michael Sullivan]' and, as for the victims, the effect upon them of former DCS Cook's leaks were difficult to assess, but he concluded that a '*great deal of information about witnesses and defendants inevitably found its way into the public arena*'. He noted that former AC John Yates would have preferred the matter to have been finalised without '*the need for a prosecution*'.[301]

The Specialist Prosecutor ignored the fact that the emails were sent to the joint account of Michael Sullivan and his wife, and then further distributed to Michael Sullivan's *The Sun* newspaper email account, without the Metropolitan Police having any continuing control of the material. The potential distress and danger for those whose personal details were disclosed must have been significant and was impossible to assess. Moreover, most of the information sent to Michael Sullivan had not been in the public domain at the time at which it was sent, and some of it never entered the public domain. The Guidelines confirm that the impact on the victims of the conduct in question '*is of considerable importance* […] *therefore, prosecutors should ensure that, where possible, information is obtained about the particular impact of the conduct in question on the victims*'.

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298 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p35, para 156, 11 September 2015
299 Email 8 of 46 from Appendix A of the Operation Longhorn Report, IPC001329001, p2, 29 June 2009.
300 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p37, para 170, 11 September 2015.
301 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, pp36-37, 11 September 2015.

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> Although former AC John Yates has consistently said that he had not, and would not have authorised disclosure, he had said that he hoped that the matter could be dealt with without prosecution.[302] He was the person to whom DCS Cook reported throughout the Abelard Two Investigation. Former AC Yates told the Panel that '*when* [he] *expressed a hope that DCS David Cook's unauthorised disclosures to Michael Sullivan might ultimately be dealt with as organisational learning,* [former AC Yates] *was motivated at that time solely by a genuine concern about David Cook's mental health and wellbeing*.'

iii. Weighing the two considerations of overall criminality and the public interest served by the conduct in question:

The Specialist Prosecutor repeated that he did not have a '*full evidential file*' but that, in his opinion, the public interest outweighed the criminality involved.[303]

4.7 The 'Public Interest Stage' of the 'Full Code Test'

209. The Specialist Prosecutor then assessed the conduct of former DCS David Cook against the five relevant questions set out within the 'Public Interest Stage' of the Code for Crown Prosecutors' 'Full Code Test':[304]

i. How serious is the offence committed?

ii. What is the level of culpability of the suspect?

iii. What are the circumstances of, and the harm caused to, the victim?

iv. What is the impact on the community?

v. Is prosecution a proportionate response?[305]

4.7.1 How serious were the offences committed?

210. In considering how serious the offences of misconduct in public office and breach of the Data Protection Act 1998 were, the Specialist Prosecutor considered a number of matters, including the following:

i. Misconduct in public office is a serious offence. Similar cases[306] against public officials had often resulted in custodial penalties. Breach of the Data Protection Act 1998 carries a fine only, even on indictment.[307]

302 Witness statement of former AC John Yates, IPC001368001, pp7-11, 08 July 2012.
303 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p38, para 173, 11 September 2015.
304 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p38, para 176, 11 September 2015.
305 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, pp39-43, para 177, 11 September 2015.
306 brought under Operation Elveden.
307 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p39, para 177, 11 September 2015.

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In considering the possibility of the offence of misconduct in public office, the only test of corruption apparently used by the Specialist Prosecutor was whether money had passed between former DCS David Cook and Michael Sullivan. As former AC John Yates observed in his statement to the investigation, it was to be anticipated that former DCS Cook might have benefitted considerably had the book been published. There is no evidence that former DCS Cook and Michael Sullivan had abandoned the idea of writing the book before the unauthorised disclosure of the material was discovered. Indeed, according to the Operation Longhorn Report, at least three literary agents had been approached by one or the other of them. The evidence is very clear that former DCS Cook and Michael Sullivan reasonably expected to profit in the future from the book which they intended to write.

ii. The motivation had been to facilitate the writing of a book, something which had been authorised in respect of another matter on a previous occasion. The Specialist Prosecutor noted that there were clear requests by former DCS Cook to Michael Sullivan to ensure the emails and their content remained confidential.[308]

The Specialist Prosecutor's comments that the publication of a book had previously been authorised by the Metropolitan Police and that former DCS Cook had asked Michael Sullivan to keep the material (which consisted not only of emails) confidential, were not relevant to motivation. DCS Cook had not sought any consent to write a book, nor had he sought consent for the disclosure which he had ultimately made.

iii. The information disclosed had not affected the prosecution of any Defendant, nor had it led to any published newspaper story.[309]

The Specialist Prosecutor did not refer to the fact that disclosure of this information by former DCS Cook could adversely affect the safety of individuals whose details were leaked; breached the privacy of individuals whose data was leaked; and had the potential to lead to abuse of process arguments in any future trial of an individual for the murder of Daniel Morgan should an attempt be made to rely on any of the information leaked. These were all matters which should have been taken into consideration.

iv. There was mitigation to be found in the fact that Michael Sullivan had previously been given significant authorised access to sensitive case material.[310]

308 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p39, para 177, 11 September 2015.
309 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p39, para 177, 11 September 2015.
310 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p39, para 177, 11 September 2015.

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There is no evidence that Michael Sullivan had been given '*significant authorised access*' previously to sensitive material. He had been briefed only to assist in the placing of an article in the media in relation to the Daniel Morgan case.

v. In any event former DCS David Cook was authorised, as the Senior Investigating Officer, to share information largely at his discretion.[311]

The Panel notes that former AC John Yates, in his statement, had said:

> '*My recollection is that Mike Sullivan was briefed about the background of the case, including that covert methods were employed. I repeat, in my opinion, the inclusion could never have been interpreted as a more general authority for any officer to release additional material then or in the future.*
>
> '*I cannot recall other instances where either Mike Sullivan or other journalists were used in this way (post 2006) in this case – other than press releases for significant events.*'[312]

Former AC John Yates had also said:

> '*The MPS* [Metropolitan Police Service] *media policy at the time allowed for "off the record" discussions between journalists and officers of Inspector and above. I acknowledge Mike Sullivan was included in the early stages and I would not have been surprised if Dave Cook had discussed the case with Mike* [Sullivan] *over the years. However, I repeat that the sending of sensitive and confidential documents would never have been authorised.*'[313]

There is no evidence that former DCS David Cook '*was authorised, as the Senior Investigating Officer, to share information largely at his discretion*'. The Independent Police Complaints Commission Report set out clearly some of the restrictions on disclosure of material. This finding by the Specialist Prosecutor is not consistent with the contents of the report submitted by the Independent Police Complaints Commission or with evidence given in the statement of former AC John Yates '*that the sending of sensitive and confidential documents would never have been authorised*'.

vi. A previous email between former DCS David Cook and Michael Sullivan had been brought to the attention of the Metropolitan Police via an internal audit. This had been dealt with by way of an internal informal warning, and no further investigation had been considered necessary.[314]

311 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p39, para 177, 11 September 2015.
312 Witness statement of former AC John Yates, IPC001368001, pp6-7, 08 July 2012.
313 Witness statement of former AC John Yates, IPC001368001, p9, 08 July 2012.
314 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p39, para 177, 11 September 2015.

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In describing the seriousness of the offence, the Specialist Prosecutor aligned the current situation to that dealt with by Commander Simon Foy in which the sending of one email containing an unauthorised attachment had been dealt with by way of an informal warning. The situation under consideration at this stage was manifestly more serious and concerned awareness of around 500 disclosures. Nevertheless, the Specialist Prosecutor assumed that the way in which the Metropolitan Police dealt with one wrongful disclosure should indicate the way in which all other unauthorised disclosures should be handled. This rationale was not justified by the circumstances.

vii. The Specialist Prosecutor considered that the '*health position*' of former DCS David Cook, particularly between September 2008 and February 2011,[315] did not provide any defence to his actions, although it was seen to go some way in explaining his mindset and mitigated the seriousness of the offence.[316]

The Specialist Prosecutor was correct that poor mental health may mitigate the seriousness of an offence. In considering mitigating factors against the seriousness of the offence, the Specialist Prosecutor erroneously relied on, among others, the fact that former DCS David Cook had not received or sought payment.

4.7.2 What is the level of culpability of the suspect?

211. The Specialist Prosecutor determined that because former DCS David Cook had held high rank within the police service, in a position of trust, and had been responsible for a difficult and sensitive investigation which had already been tainted by corruption, this indicated a high level of culpability.[317]

212. Despite the fact that former DCS David Cook had clearly shown, in a number of emails, his understanding of the significance of what he had been sending to Michael Sullivan,[318] there were, the Specialist Prosecutor found, matters of significant mitigation.[319] The Specialist Prosecutor referred to the fact that he had been able to cross-reference the timings of emails with evidence of former DCS David Cook's medical position at the time. He also acknowledged former DCS Cook's admission that his judgement had been affected by his state of health.

213. In November 2020, the Specialist Prosecutor explained to the Panel that although he had not had sight of a medical report, he was in possession of a full bundle of medical records in relation to former DCS David Cook which he had assessed.

315 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p26, para 115, 11 September 2015.
316 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p40, para 177, 11 September 2015.
317 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p40, para 177, 11 September 2015.
318 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p40, para 177, 11 September 2015.
319 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p40, para 177, 11 September 2015.

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214. It was open to the Specialist Prosecutor to consider whether former DCS David Cook was, at the time of consideration of charging or at the time of the offence, affected by any 'significant' mental ill health or disability. In some circumstances this may mean that it is less likely that a prosecution is required. However, the Code for Crown Prosecutors makes clear that the prosecutor will also need to consider how serious the offence was. It is the Panel's view that the state of former DCS Cook's mental health might have mitigated the seriousness of the sentence or penalty applied to this offence, but that the Specialist Prosecutor should not have assessed former DCS Cook's mental health as demonstrating significant mental illness in the absence of a medical report.

215. Consideration was given to the evidence of former AC John Yates that the case had taken a dramatic toll on the health of former DCS David Cook, and to whether pressures had contributed to lapses in his professional judgement.[320]

216. The Specialist Prosecutor did not explain why, despite the evidence which he had before him, he described former DCS David Cook as '*a man of good character*'. Although this may, previously, have been true, there was no justification for basing any decision on such an observation.[321] As a result of this, in addition to the other factors considered and the very remote prospect of any further similar behaviour since former DCS Cook had retired, the Specialist Prosecutor concluded that the culpability of former DCS Cook was at '*a medium level*'.[322]

217. There is no evidence that the health of former DCS David Cook was raised as having affected his performance at any review of his work between 2006 and 2011. It is accepted that former DCS Cook experienced health difficulties during this period. However, the Panel is aware of only one relatively prolonged period of sickness during the Abelard Two Investigation. In these circumstances, a disproportionate weight seems to have been given by the Specialist Prosecutor to the issue of former DCS Cook's mental health, and the effect of that weighting was to diminish his culpability disproportionately.

4.7.3 What are the circumstances of, and the harm caused to, the victim?

218. The Specialist Prosecutor identified three potential primary '*victims*' as a consequence of the conduct of former DCS David Cook. These potential primary '*victims*' were:

i. The Metropolitan Police:

The Specialist Prosecutor said that he was aware that there had been '*a number of articles, Court cases and indeed an ongoing Public Enquiry* [sic]',[323] assessing the failures of various Metropolitan Police investigations and alleged corruption.[324]

320 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p41, para 177, 11 September 2015.
321 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p41, para 177, 11 September 2015.
322 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p41, para 177, 11 September 2015.
323 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p41, para 177, 11 September 2015.
324 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p41, para 177, 11 September 2015.

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As such, the Specialist Prosecutor determined that the allegation against former DCS Cook would not have significantly increased the reputational damage already suffered by the Metropolitan Police.

The Panel struggles to understand how these allegations, relating as they do to the activities of an officer who was initially a serving Metropolitan Police officer, and who was subsequently retained by the Metropolitan Police to work on the Abelard Two Investigation, could not have significantly increased the reputational damage of the organisation.

ii. Individuals whose personal data was leaked by former DCS David Cook:

The Specialist Prosecutor said that it was difficult to assess the harm caused to individuals '*who were suspects, defendants and witnesses both for the defence and for the Crown*', whose personal data was disclosed by former DCS Cook, '*beyond MS* [Michael Sullivan] *seeing the information*'. Although sending data via an insecure email had the potential to cause harm, this did not ever materialise.[325] In the view of the Specialist Prosecutor, former DCS Cook was '*at the very least reckless when sending out the personal data*'.[326]

The Special Prosecutor did not, as he admitted, have the evidence to support a finding that no harm had '*materialised*' as a consequence of the use of insecure email. Without an investigation, it is not possible to identify the harm which may have resulted from DCS David Cook's unauthorised disclosure of the material.

The Metropolitan Police has since informed the Panel that no risk assessments were conducted in relation to the individuals potentially affected by the data leaks, and nobody was informed of any leak of material pertaining to them. Former DCS Cook had also disclosed very sensitive material belonging to the Serious Organised Crime Agency, in which he was employed at a high level at the time of the disclosures. The Special Prosecutor should have considered this issue and questioned whether the Serious Organised Crime Agency also a victim.

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325 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, pp41-42, para 177, 11 September 2015.
326 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p42, para 177, 11 September 2015.

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The Special Prosecutor had the benefit of the Independent Police Complaints Commission Report in Operation Longhorn, which contained, among other conclusions, the fact that former DCS David Cook had leaked to Michael Sullivan the statement of a vulnerable witness who was '*frightened for her life*'.[327] This was done within a day of it having been signed by the witness. The analysis of the Specialist Prosecutor apparently also ignored the assessment of the Serious Organised Crime Agency that, of the 13 emails belonging to the Agency, eight posed a critical risk to the Agency, three a high risk, and two were assessed as being a medium risk to the organisation (see paragraph 156 above).

iii. The members of Daniel Morgan's family:[328]

The Specialist Prosecutor's findings included the fact that '*no story was ever printed or book published following the emails and that nothing sent by DC* [former DCS David Cook] *appears to be or intended to be deliberately against the interests of the Morgan family*'. He found that the position of former DCS Cook had been crucial, because of the '*highly damaged*' relationship between the Metropolitan Police and the family.[329] The Specialist Prosecutor added that '*the whole investigation remains in the public domain in any event and as I have said there is an ongoing Public Enquiry* [sic]'. In addition, the Specialist Prosecutor acknowledged that Daniel Morgan's brother, Alastair Morgan, had at the time been writing his own book.[330]

This analysis ignored the conclusions of former AC John Yates, in his statement to the Independent Police Complaints Commission, that '[t]*he idea of the* SIO [Senior Investigating Officer] *collaborating (and no doubt benefitting commercially) on writing a book would have been hugely significant* [….] *I would certainly have advised Dave* [former DCS David Cook] *against it. If Alistair* [sic] *Morgan had found out I believe this would have done a great amount of damage to the relationship that we had fought so hard to build up with his family*.'[331]

It was completely irrelevant that Alastair Morgan was writing his own book. He was not the Senior Investigating Officer, as former DCS Cook was, and he did not use confidential material in his book, whereas former DCS Cook had, and former DCS Cook was also sending such material to Michael Sullivan for the purposes of the '*Book Project*'.

The Specialist Prosecutor concluded '*on balance that the harm to any victim is low*'.[332]

327 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p41, para 206, September 2014.
328 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p42, para 177, 11 September 2015.
329 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p42, para 177, 11 September 2015.
330 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p42, para 177, 11 September 2015.
331 Witness statement of former AC John Yates, IPC001368001, p8, 08 July 2012.
332 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p42, para 177, 11 September 2015.

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4.7.4 What is the impact on the community?

219. The Specialist Prosecutor stated there was '*an impact on the community if an officer, and particularly one of the seniority of DC* [former DCS David Cook]*, either acts corruptly or reduces their performance because they are improperly distracted by other tasks*'.[333]

220. The Specialist Prosecutor found no evidence to suggest that former DCS David Cook was corrupt, nor that the nature of his relationship with Michael Sullivan was corrupt. As such he found '*the impact on the community to be low*'.[334]

221. The narrow definition of corruption adopted by the Specialist Prosecutor enabled him to reach this conclusion. A wider definition of corruption, which included the use of this material to generate future profit, should have resulted in a different conclusion. In fact, DCS David Cook had been intending to write a book and had during this investigation already drafted a significant number of chapters.

4.7.5 Is prosecution a proportionate response?

222. In considering whether the prosecution of former DCS David Cook was a proportionate response to his conduct, the Specialist Prosecutor found the following:

i. There had been no evidence to suggest that the emails or attachments sent by former DCS Cook were the reason for the failure of any prosecution or that the emails had damaged the murder investigation.[335]

There was no consideration of the damage which might have been done to investigations other than the murder of Daniel Morgan, by the unauthorised leaking of confidential information relating to those investigations.

ii. He had seen no evidence of former DCS Cook receiving or requesting payment from Michael Sullivan.[336]

The Specialist Prosecutor had, however, seen evidence that former DCS Cook and Michael Sullivan reasonably anticipated making a profit from their joint activities. This should have been of concern to the Specialist Prosecutor.

333 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p42, para 177, 11 September 2015.
334 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p42, para 177, 11 September 2015.
335 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p43, para 177, 11 September 2015.
336 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p43, para 177, 11 September 2015.

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iii. The fact that one email had been dealt with previously through an informal warning was important in deciding on the proportionality of a prosecution.[337]

> The Panel does not accept this conclusion (see paragraphs 124-126 and 210 vi above).

iv. The email communication under consideration was '*somewhat historic in nature*'.[338]

> The matter had been referred to the Independent Police Complaints Commission in 2012 and some of the emails under consideration dated from 2011. This cannot be regarded as '*historic*' communication. Nor was there consideration of the effect on future investigations of leaking so much police information.

v. There would be considerable cost implications should the Independent Police Complaints Commission be required to complete a full file for submission to the Crown Prosecution Service.[339] The Specialist Prosecutor coupled this with a reference to '*evidential challenges*'.

> Prosecutions are expensive and many face evidential challenges. These issues were not particularly different from any other case. The Specialist Prosecutor, having reviewed the over 500 emails, considered the 46 emails indicated by the Independent Police Complaints Commission as the '*most appropriate on which to focus when considering the criminality of the case*'. The Specialist Prosecutor did not elaborate on what the evidential challenges might be. However, the fact remains that a significant volume of very specific case related material belonging to several law enforcement agencies had been disclosed unlawfully. The effect of not acknowledging the extent of the problem and dealing with it may well be to give comfort to others who are contemplating similar action.

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337 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p43, para 177, 11 September 2015.
338 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p43, para 177, 11 September 2015.
339 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p43, para 177, 11 September 2015.

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vi. The Specialist Prosecutor could not make any comment on the impact a prosecution might have had on former DCS Cook's mental health; however, it was relevant in considering the proportionality of a prosecution. His mental health would also be relevant to any sentence likely to be imposed in the event of a successful prosecution.[340]

> The Panel accepts that the mental state of a suspect at the time of the charging decision being made is potentially relevant to the issue of the proportionality of a prosecution. However, here the Specialist Prosecutor had not been provided with any medical report confirming the extent to which a prosecution would impact upon former DCS Cook's mental health.

223. The Specialist Prosecutor did not consider a prosecution to be a proportionate response.[341]

> 224. The Panel disagrees with the reasoning on which the Specialist Prosecutor based his conclusions.

4.8 Conclusion by the Specialist Prosecutor

225. The Specialist Prosecutor concluded that he was satisfied that, under paragraph 4.2 of the Code for Crown Prosecutors (January 2013), even in the absence of all available evidence, the public interest did not reach the threshold for a prosecution for offences of misconduct in public office or breach of the Data Protection Act 1998.[342] In reaching this conclusion, he referred to the range of matters discussed above.

226. The Specialist Prosecutor added the following:

> '*At the time I was asked by the IPCC* [Independent Police Complaints Commission] *to provide a charging advice in this case, I was also made aware of a separate MPS* [Metropolitan Police Service] *Investigation (Operation Megan) into a complaint by Jonathan Rees that his personal data had been provided to the Panorama television programme and to the media by DC* [former DCS David Cook]. *I am told that the* MPS *Operation Megan team propose to deal with any misuse by DC* [former DCS David Cook] *of the personal data of Jonathan Rees as an internal matter rather than one for prosecution and I consider that to be relevant and indicative of how matters of that nature may have been dealt with at that time.*'[343]

340 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p43, para 177, 11 September 2015.
341 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p43, para 177, 11 September 2015.
342 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p46, para 190, 11 September 2015.
343 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p45, para 182, 11 September 2015.

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227. The function of the Specialist Prosecutor was to consider the evidence available to him and to assess whether a prosecution should occur. There is nothing in the Code for Crown Prosecutors which indicates that it was appropriate to consider how the Metropolitan Police proposed to deal with another separate offence.

The Specialist Prosecutor stated, '*I also assess that there is a public interest in the publication of a book detailing the good investigative work of DC* [former DCS David Cook] *and the MPS* [Metropolitan Police Service] *and the "setting of the record" straight*'.[344] The Specialist Prosecutor had not examined the content of the investigations conducted by former DCS Cook or of the Metropolitan Police so as to be able to identify the '*good investigative work*' which he said had been done by former DCS Cook. Moreover, the evidence available showed that the case had collapsed because of the failings of the investigation as acknowledged by former AC John Yates and quoted above by the Specialist Prosecutor.

The Specialist Prosecutor acknowledged that former DCS Cook had acted unlawfully in releasing the material. That material had included information about witnesses, suspects, evidence obtained from a listening device, as well as internal police reports on various investigations into Daniel Morgan's murder, and investigations not connected to his murder. The Specialist Prosecutor's reasoning was set out at length in his report.

That reasoning does not, in the Panel's view, justify his decision. The hope expressed by former AC Yates that the matter could be dealt with '*under the umbrella of organisational learning*' is not justification for the decision. The Crown Prosecution Service/Metropolitan Police Review to which former AC Yates referred did not preclude the possibility of prosecution. What was required in the circumstances before the Specialist Prosecutor was further investigation to enable full analysis of whether a prosecution should occur.

4.9 Review of the decision by the Specialist Prosecutor

228. The decision by the Specialist Prosecutor was endorsed by the Head of the Organised Crime Division at the Crown Prosecution Service, Gregor McGill.[345]

229. In a document entitled 'Endorsement by Head of Division', Gregor McGill took a different approach from that taken by the Specialist Prosecutor to the question of whether or not former DCS David Cook should be prosecuted. Rather than assessing the matter under paragraph 4.2 of the Code (which does not engage the question of whether or not the 'Evidential Test' had been passed), Gregor McGill's report encompassed answering that very question almost entirely.

230. Gregor McGill recorded that, '[t]*he allegation against Dave Cook is that he sent to Mike Sullivan MPS* [Metropolitan Police Service] *data about witnesses and suspects together with evidence obtained from a probe*'.[346]

344 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p44, para 179, 11 September 2015.
345 '*Endorsement by Head of Division*', IPC001410001, pp47-58, 29 September 2015.
346 '*Endorsement by Head of Division*', IPC001410001, p48, para 9, 29 September 2015.

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231. **This repeated the overly narrow and incomplete picture that had been painted by the Specialist Prosecutor.**

232. He continued, '[t]*he purpose of his doing this is so that he and Mike Sullivan could collaborate on the writing of a book about the murder* [….] *It is clear that SIO's* [sic] [Senior Investigating Officers] *were encouraged to co-operate with the media in large, high profile investigations and MPS* [Metropolitan Police Service] *policy on how this was done was open to some interpretation by senior officers*.'[347]

233. **There is nothing to affirm the suggestion that the leaking of highly sensitive personal data during the course of a criminal investigation was merely the result of the Senior Investigating Officer's interpretation of the Metropolitan Police media policy.**

234. Gregor McGill acted on the basis that medical evidence showed that former DCS David Cook was suffering from '*depression and anxiety and* […] *suicidal thoughts*' and that former DCS Cook himself had confirmed his '*fragile mental state*' and a desire to put the Metropolitan Police's side of the story.[348] There is no evidence that he had been provided with the original medical reports.

235. Gregor McGill went on to consider that Michael Sullivan was '*fully briefed about the murder investigation*' by the Metropolitan Police mid-2006.[349] He expressed '*surprise*' at the scope of this briefing (despite the fact that neither he nor the Specialist Prosecutor had seen any minutes of the meeting) and observed that the Metropolitan Police '*had made a decision to fully indoctrinate* […] *Mike Sullivan into the investigation*',[350] and that it could be argued that '*Mike Sullivan had a legitimate expectation that he would be kept regularly updated as the investigation developed.*' He continued, '*I can certainly see, objectively and despite the observation to the contrary by John Yates, how Dave Cook could have formed this impression*.'[351] This aspect of the position of Michael Sullivan did, in Gregor McGill's view, reduce the culpability of former DCS Cook's conduct '*by a considerable degree*'.[352]

236. There is no justification for the inference by Gregor McGill that Michael Sullivan had '*a legitimate expectation that he would be kept regularly updated as the investigation developed*'. The briefing provided in 2006 was for a specific purpose. Gregor McGill did not explore how Michael Sullivan might have been lawfully updated, nor did he distinguish between lawful updating and unauthorised leaking, despite the lengthy statement by former AC John Yates on this matter.

The use of Michael Sullivan on one aspect of the investigation, which was short-lived and concluded before the leaks began, did not in any way make former DCS David Cook's actions less culpable.

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347 '*Endorsement by Head of Division*', IPC001410001, p48, paras 9-10, 29 September 2015.
348 '*Endorsement by Head of Division*', IPC001410001, p48, paras 11-12, 29 September 2015.
349 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, pp49-50, 29 September 2015.
350 '*Endorsement by Head of Division*', IPC001410001, pp50-51, 29 September 2015.
351 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p51, 29 September 2015.
352 '*Endorsement by Head of Division*', IPC001410001, p52, 29 September 2015.

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237. In reaching his decision, Gregor McGill stated that, '[t]*here appears to be some 550 e mails* [sic] *– but some 46 have been identified as being e mails* [sic] *where either the documents or the information in the e mail* [sic] *itself should not have been shared by Dave Cook with a journalist*'.[353]

238. **Gregor McGill, in making this statement, did not take note of the Independent Police Complaints Commission investigator's original statement:**

> **'*This report has focussed* [sic] *upon a total of 46 e-mails sent by David Cook to Mike Sullivan over the period 2006 to 2011. They have been chosen as they represent potentially the most serious examples of unauthorised or inappropriate disclosure by David Cook to Mike Sullivan.*'**[354]
>
> **The report also stated that '[a] *number of other documents sent by David Cook included information concerning a variety of police investigations and operations unconnected to the murder of Daniel Morgan*'.**[355]

239. Gregor McGill referred to the informal warning given to former DCS David Cook by Commander Simon Foy for the sending of a single email to Michael Sullivan after the conclusion of the trial as a '*very minor form of sanction*'. He went on to add, '*if Commander Foy had known of these other breaches, would it really have made any difference? It is arguable that it would not have done so*.'[356]

240. Gregor McGill appears to have made his decision on the basis of a false assumption about the nature and extent of the unauthorised disclosures by DCS David Cook, some of which did not even relate to the investigation of the murder of Daniel Morgan. The Panel does not agree that it was '*arguable*' that Commander Simon Foy would have taken such a lenient view of former DCS Cook's actions had he known there to have been over 500 such emails sent to Michael Sullivan, most sent before the conclusion of the trial, and at least 46 of which had been declared by the Case Officer from the Abelard Two Investigation to have contained sensitive material. When interviewed by the Panel, former Commander Foy indicated that this would not have been the case (see paragraph 126 above).

241. Gregor McGill then went on to consider the Director's Guidelines (as referred to in the Specialist Prosecutor's advice). He assessed the public interest in the disclosure made by former DCS David Cook to Michael Sullivan to be '*high*' and the overall criminality of former DCS Cook's behaviour as being '*medium*'. In coming to this decision, Gregor McGill noted that '*there was no real element of corruption* [...] *there were no threats and the disclosures did not affect the result of any police investigation. Dave Cook's motivation appears to have been to put*

353 '*Endorsement by Head of Division*', IPC001410001, p52, 29 September 2015.
354 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p14, para 51, September 2014.
355 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p15, para 54, September 2014.
356 '*Endorsement by Head of Division*', IPC001410001, p53, 29 September 2015.

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the record straight so as to explain the MPS [Metropolitan Police Service] *investigation and try to mitigate some of the criticism made of the MPS* ', so that, on balance, a prosecution was less likely to be required in the public interest.[357]

242. Gregor McGill concluded that:

> '*Dave Cook does have a potential public interest defence in making these alleged disclosures, and that this makes a prosecution for Misconduct in Public Office less likely in the public interest, the same public interest factors must apply for an offence under section 55 (1) DPA 1998.*'[358]

243. Relying on the advice provided by the Specialist Prosecutor, he said: '*I am satisfied* [...] *that there is not at this stage, and is unlikely to be in the future, a realistic prospect of a conviction for an offence disclosed by this offending*.'[359]

244. Gregor McGill then finally dealt with the question of whether, under paragraph 4.2 of the Code, a prosecution should follow. He said:

> '*I am satisfied that the broad extent of the criminality has been determined and that I can make a fully informed assessment of the public interest. I am satisfied that the public interest does not require a prosecution in this case and that this case should not proceed further.*'[360]

245. The way in which the following matters were handled by the Specialist Prosecutor and the Head of the Organised Crime Division, Gregor McGill, dictated their advice:

i. The reason for former DCS Dawid Cook's leaking of information being limited to the writing of a book on the Daniel Morgan investigation.

ii. The narrow interpretation of the purpose of the leaks and the definition of corruption.

iii. The misinterpretation by them of AC John Yates's view that he would have condoned the provision of sensitive material to Michael Sullivan for the purposes of writing this book. AC Yates specifically stated that the disclosure was not, and would not have been, authorised.

iv. The poor mental health of former DCS Cook equating to a lack of intent and determination.

v. The failure to equate future remuneration from the publishing of a book as constituting financial motive or gain.

vi. The use of Michael Sullivan's journalistic skill on one occasion in a discrete and limited way as leading to a legitimate expectation that he would be provided with highly sensitive restricted information.

357 '*Endorsement by Head of Division*', IPC001410001, p55, 29 September 2015.
358 '*Endorsement by Head of Division*', IPC001410001, p56, 29 September 2015.
359 '*Endorsement by Head of Division*', IPC001410001, p57, 29 September 2015.
360 '*Endorsement by Head of Division*', IPC001410001, p57, 29 September 2015.

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vii. The failure to call for the Operation Megan and *Panorama* papers to determine the broad extent of former DCS Cook's criminality.

viii. The assumption that Commander Simon Foy would have issued an informal warning had he known there to have been over 500 questionable emails, 46 of which contained sensitive attachments and 13 of which were considered by the Serious Organised Crime Agency to have carried a '*critical risk*' to that organisation.

ix. The assessment of the effect on the victims as being '*low*' when in fact no risk assessments or exploration of this impact had been undertaken.

The conclusions of the Specialist Prosecutor and the Head of the Organised Crime Division were dictated by this approach and analysis of the available information. These conclusions have, in turn, affected subsequent consideration of the behaviour of former DCS Cook.

246. In November 2020, the Specialist Prosecutor stated to the Panel that his advice was reviewed at the time by his manager, the deputy Head of the Division, albeit informally, and by the Head of Division personally. The Specialist Prosecutor also noted that both of these lawyers agreed with his conclusions, and the Independent Police Complaints Commission decision not to appeal his advice, nor to carry on its investigation also indicated its acceptance. While a review of his advice may have provided some reassurance, the Panel's view is that the advice itself was not based upon a sound factual basis.

247. The Panel interviewed former DCS David Cook after the conclusion of all the investigations into his conduct. He generally declined to discuss these matters, saying that he could not now account for his thought process in disclosing material to Michael Sullivan, but he did make some comments. He told the Panel that during the Abelard Two Investigation, Michael Sullivan was '*out drinking with John Yates*', and that AC John Yates had been telling Michael Sullivan things about the investigation.[361] Former DCS Cook said that Michael Sullivan '*was getting a far more detailed briefing initially from John Yates than he was from myself*'.[362] When asked whether he had mentioned this to anyone previously he said that he had not done so because, '*I've never had cause to*'.[363]

248. AC John Yates discussed his relationship with Michael Sullivan and briefings given to journalists during the Abelard Two Investigation in a statement to the Independent Police Complaints Commission in 2012. He stated that he had known Michael Sullivan for several years and their relationship was a professional one, but they also met socially '*although within a work-based context*'. [364] AC Yates also stated that he was present when briefings were provided to journalists '*off the record*'.[365] As stated above (at paragraph 193 ii), AC Yates also said, '*I would certainly not have authorised such access to sensitive material by Mike Sullivan prior to the conclusion of the case. I believe Dave Cook would have been well aware of this.*'[366]

361 Panel interview with former DCS David Cook, Transcript 3, pp9-10 and 15, 25 August 2020.
362 Panel interview with former DCS David Cook, Transcript 3, p10, 25 August 2020.
363 Panel interview with former DCS David Cook, Transcript 3, p10, 25 August 2020.
364 Witness statement of former AC John Yates, IPC001368001, p1, 08 July 2012.
365 Witness statement of former AC John Yates, IPC001368001, p7, 08 July 2012.
366 Witness statement of former AC John Yates, IPC001368001, p8, 08 July 2012.

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249. Former AC John Yates told the Panel that '[he] *had frequent interactions with the press, including Michael Sullivan. These were professional engagements as part of* [his] *role as the most senior detective in London.* [He] *was open and transparent about these interactions in* [his] *evidence to the Leveson Inquiry and* [he] *reiterate*[s] *that no finding of wrongdoing was made by Leveson LJ.*' Former AC Yates has categorically denied that he provided Michael Sullivan with any confidential information other than a formal briefing at an early stage in the Abelard Two Investigation.

250. Former DCS David Cook had, in 2012, previously raised his suspicions in a statement to the Independent Police Complaints Commission that AC John Yates was passing information to Michael Sullivan. By 2020 he seemed convinced that it must have been AC Yates. However, the Panel has not seen any information to support this suggestion. There is no evidence that the matter was raised by the Independent Police Complaints Commission with the Metropolitan Police.

251. Former DCS David Cook also told the Panel that one other person within the Abelard Two Investigation team may have disclosed information to Michael Sullivan.[367] When asked whether he had taken any action as Senior Investigating Officer to stop this other person disclosing material to Michael Sullivan, he said that:

> '[t]*his was 2010 I think, when it came. I was no longer in the Metropolitan Police, we were already in the process….*
>
> *These are personal relationships that Mike has with other people. Do I know what this other person was saying to Mike? I know that one area that the person was discussing with Mike, she was discussing with Mike their view on the success of the case and how it's going. They were very negative, I was very positive. But in terms of the detail of what was being discussed, I don't know.*' [368]

252. When asked about his stated belief that he had authority to talk to the media, and whether he distinguished between briefing and giving Michael Sullivan confidential reports, former DCS David Cook responded, '*I did have, you could say I did have the authority as the SIO to sit down and brief Mike on absolutely anything. And that's contained within the Met Police policy at that time.*'[369] He also said '[c]*an I also make it clear that other journalists who were interested in the investigation, if they came in and they asked us questions then we sat down and we gave them a comprehensive briefing.*'[370] When asked if he kept a log of who came and what they were told, he responded that '[t]*here should be some sort of log.*' He also said: '*It wasn't just me that did this, sometimes Noel was present etc.*'[371]

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367 Panel interview with former DCS David Cook, Transcript 3, p11, 25 August 2020.
368 Panel interview with former DCS David Cook, Transcript 3, p11, 25 August 2020.
369 Panel interview with former DCS David Cook, Transcript 3, p13, 25 August 2020.
370 Panel interview with former DCS David Cook, Transcript 3, p13, 25 August 2020.
371 Panel interview with former DCS David Cook, Transcript 3, p13, 25 August 2020.

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253. It is the case that DCS David Cook had authority to conduct media briefings within normal constraints, and that AC John Yates and others attended such briefings. However, the proposition that DCS Cook had authority to brief and to provide documents to the extent that he disclosed material to Michael Sullivan and others is completely rejected. No log of meetings with journalists has been provided to the Panel. Had such regular and comprehensive briefings occurred, they should have been recorded in a log and there should have been a strategy throughout for what could and could not be disclosed. The Panel rejects former DCS Cook's account that he was entitled to disclose material as he suggested he was.

5 Operation Megan

5.1 Complaint by Jonathan Rees

254. On 30 January 2012, Jonathan Rees made a complaint to the Independent Police Complaints Commission against the Metropolitan Police. The Metropolitan Police were informed of the complaint, which contained four allegations. In subsequent meetings and correspondence, Jonathan Rees amended these allegations. The four allegations were as follows:

i. '*Confidential information belonging to Mr Rees had been improperly disclosed to the BBC Panorama programme on 14th March 2011.*

ii. *DCS Cook prompted and coached prosecution witness Gary Eaton to change his evidence. DCS Cook then gave live evidence at the Voir Dire*[372] *and lied about his contact with him.*

iii. *Mr Rees was defamed in a Sun Newspaper article*[373] *published on 27th October 2006. This complaint was later withdrawn.*

iv. *Mr Alistair* [sic] *Morgan the brother of Daniel Morgan attended the IPCC to "question" them about the arrest of DCS Cook by the IPCC in January 2012.'* [374]

255. The first allegation[375] referred to video taken from Jonathan Rees's computer hard drive; transcripts of covert police recordings; and invoices that had Jonathan Rees's personal details on them, which had been seized by the Abelard Two Investigation during a search of Jonathan Rees's home on 07 February 2007.[376,377] Some of this material had been shown during the BBC *Panorama* programme on 14 March 2011.[378] Jonathan Rees named two journalists, Graeme McLagan, who appeared in the *Panorama* programme, and Michael Sullivan, as contacts of former DCS David Cook.[379,380]

372 The pre-trial hearing.
373 '*Found! The 1957 Austin Healey that could solve 20-year murder riddle*', Michael Sullivan, MPS102671001, 27 October 2006.
374 Operation Megan Report, MPS109687001, p9, para 5.1, undated.
375 '*Investigation into complaint made by William J. Rees*', IPC001411001, p4, paras 1-3, 14 December 2016.
376 Witness statement of Jonathan Rees, MPS109704001, pp47-48, para 28, 13 June 2014.
377 '*Investigation into complaint made by William J. Rees*', IPC001411001, p8, para 41, 14 December 2016.
378 Witness statement of Jonathan Rees, MPS109704001, p41, para 4c, 13 June 2014.
379 '*Investigation into complaint made by William J. Rees*', IPC001411001, p10, para 60, 14 December 2016.
380 Witness statement of Jonathan Rees, MPS109704001, pp63-64, para 71, 13 June 2014.

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256. Following D/Supt Mark Mitchell's review in February 2012 (see section 2 above), there was discussion between the Independent Police Complaints Commission and the Metropolitan Police about who should investigate Jonathan Rees's complaint. On 03 July 2012, the Independent Police Complaints Commission Investigator contacted Commander Peter Spindler at the Metropolitan Police requesting that the first two allegations should be dealt with by the Metropolitan Police. Jonathan Rees withdrew his third allegation, and the fourth was dealt with by the Independent Police Complaints Commission.[381]

5.1.1 Review into the complaint by Jonathan Rees and findings of Mr Justice Maddison in R v Rees & Others, 19 April 2013[382]

257. Commander Allan Gibson of the Directorate of Professional Standards asked DCI Fiona McCormack and DI Donna Smith to carry out the review of the complaint by Jonathan Rees and of the findings of '*The Maddison Ruling*'.

258. The Terms of Reference for DCI Fiona McCormack's review were as follows:

i. To contact Jonathan Rees's solicitor and establish the extent of the allegations and supporting evidence.

ii. To review the judgment of Mr Justice Maddison '*around improper handling and prompting*' of Gary Eaton by DCS David Cook.

iii. To review the evidence given in Court by former DCS Cook.

iv. To review the evidence of others given in Court that related to the police handling of Gary Eaton.

v. To prepare a report detailing a timeline of events, investigative opportunities and potential criminal/misconduct offences that may have been committed.

vi. To seek early Crown Prosecution Service advice.[383]

259. On 14 February 2013, Jonathan Rees was interviewed, and he disclosed further complaints. This interview was transcribed by police into a draft statement for Jonathan Rees, which was supplied to him for signature. However, at that stage he did not sign it, as he wished to make further amendments.[384]

260. On 05 March 2013, DCI Fiona McCormack and DI Donna Smith met Alison Saunders, the Chief Crown Prosecutor for the London region of the Crown Prosecution Service, to discuss the emerging findings of the review. Alison Saunders stated that she believed a full investigation should take place into Jonathan Rees's complaint and the issues addressed by Mr Justice Maddison, pointing out that, without this, the family of Daniel Morgan would always have unanswered questions. It was recorded that she further recommended '*the investigation should not be conducted by the* MPS [Metropolitan Police Service] *as the public and the family had lost confidence in the MPS as a result of numerous failed investigations*'.[385]

381 Operation Megan Report, MPS109687001, p9, paras 5.1-5.2, undated.
382 '*Review into the public complaint of Jonathan Rees and the findings of "The Maddison Ruling"*', MPS109704001, p19, 19 April 2013.
383 '*Review into the public complaint of Jonathan Rees and the findings of "The Maddison Ruling"*', MPS109704001, p22, 19 April 2013.
384 Operation Megan Report, MPS109687001, p9, para 5.4, undated.
385 Operation Megan Report, MPS109687001, p10, paras 5.7–5.8, undated.

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261. On 19 April 2013, DCI Fiona McCormack reported the results of her review. She detailed potential investigative opportunities, focusing on the following:

i. The unauthorised contact between former DCS David Cook and Gary Eaton.

ii. The possibility that Gary Eaton had been prompted by former DCS Cook when providing his evidence.

iii. Whether Gary Eaton had been 'tipped off' regarding his claim that his father was dead.

iv. Jonathan Rees's allegations regarding the lack of investigations by officers during the Abelard Two Investigation.

v. Confidential information belonging to Jonathan Rees being disclosed to the *Panorama* programme[386] (this matter was transferred back to the Independent Police Complaints Commission in 2015 and dealt with there).

262. DCI Fiona McCormack stated in her report:

> '*There are vast political and moral reasons for ensuring that a thorough, impartial investigation takes place into Abelard II. If this is not done, it could be perceived that the MPS* [Metropolitan Police Service] *are failing to act on comments made by the Crown Court Judge, a public complaint made by a defendant and civil complaints made by the family and other defendants.*'[387]

263. DCI Fiona McCormack concluded her report with a recommendation that an independent investigation be carried out by the Independent Police Complaints Commission.[388]

264. During the months which followed, there was discussion as to who should conduct the investigation. On 14 June 2013, the Independent Police Complaints Commission Deputy Chair, Deborah Glass, wrote to Commander Allan Gibson declining to investigate and saying that '[w]*hile the* IPCC [Independent Police Complaints Commission] *does investigate a small number of corruption cases you are aware that we are not currently resourced to carry out many or large corruption enquiries* […]'.[389] She suggested that either Sir Stanley Burnton, then newly appointed Chair of the Daniel Morgan Independent Panel, or the Serious Organised Crime Agency (as former DCS David Cook's employer) might investigate former DCS Cook.[390] On 16 August 2013, the Metropolitan Police invited Sir Stanley Burnton to conduct the investigation.[391] On 17 September 2013, Sir Stanley Burnton declined to take the complaints investigation, stating that the Panel's remit '*does not include investigating complaints of misconduct against any particular officer*'. He went on to say that the Panel would '*not be conducting an investigation in the sense that might be expected to be conducted by the MPS* [Metropolitan Police Service] *in respect of a recordable conduct matter under the Police Reform Act 2002*'.[392,393]

386 Operation Megan Report, MPS109687001, p10, para 5.11, undated.
387 '*Review into the public complaint of Jonathan Rees and the findings of "The Maddison Ruling"*', MPS109704001, p36, 19 April 2013.
388 '*Review into the public complaint of Jonathan Rees and the findings of "The Maddison Ruling"*', MPS109704001, p38, 19 April 2013.
389 Letter from Deborah Glass to Commander Allan Gibson, MPS109847001, pp1-2, 14 June 2013.
390 Letter from Deborah Glass to Commander Allan Gibson, MPS109847001, pp2-3, 14 June 2013.
391 Decision 38, SIO Decision Log, MPS109902001, p45, 16 August 2013.
392 Letter from Sir Stanley Burnton to Commander Allan Gibson, 17 September 2013.
393 Decision 41, SIO Decision Log, MPS109902001, p48, 23 September 2013.

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265. On 25 October 2013, DCI Fiona McCormack recorded that Commander Allan Gibson had decided that the Directorate of Professional Standards should take the investigation and that it would be led by DCI McCormack as the Senior Investigating Officer.[394] On 01 December 2013, the Metropolitan Police requested that the British Transport Police should be appointed to provide independent oversight of the enquiry, to ensure that a thorough and professional investigation was conducted with integrity.[395] On 18 December 2013, DCS Martin Fry of the British Transport Police was appointed as the Senior Investigating Officer, to provide independent oversight.[396] The investigation commenced in January 2014. [397]

5.2 The Operation Megan Investigation

266. In November 2013, Jonathan Rees explained that he wanted to amend his draft statement of 14 February 2013.[398] On 21 January 2014, Jonathan Rees was interviewed. The Terms of Reference for the Operation Megan Investigation, derived from his complaints which were made formally in a statement dated 13 June 2014,[399] were as follows:

A. To fully investigate the complaints made by Jonathan Rees:

   i. Police officers dealing with the witness, Gary Eaton, breached the sterile corridor between the Abelard Two Investigation and the witness debriefing team.

   ii. Gary Eaton was prompted and/or coached by the Operation Abelard Two Investigation team, particularly DCS David Cook.

   iii. Gary Eaton was tipped off by the Operation Abelard Two Investigation team that Defence lawyers had discovered that he had lied about his father being dead.

   iv. Former DCS Cook lied in court during a bail application regarding the history of James Ward and did not disclose relevant information about his background.

   v. Former DCS David Cook lied during a bail application when providing evidence that Glenn Vian threatened a named individual[400] with an axe.

   vi. DCS David Cook, AC John Yates and other members of the Operation Abelard Two Investigation team allowed Gary Eaton to confess to serious crimes despite being mentally ill. Gary Eaton should have had an appropriate adult, and the Operation Abelard Two Investigation team did not conduct any enquiries to corroborate Gary Eaton's confessions.

   vii. The Operation Abelard Two Investigation team pressurised Person J5 into giving a statement despite her being mentally ill.

   viii. The Operation Abelard Two Investigation team failed to challenge Gary Eaton and Person J5 on their allegations despite believing that the information they provided could not be correct.

394 Decision 42, SIO Decision Log, MPS109902001, p49, 14 October 2013.
395 Decision 54, SIO Decision Log, MPS109903001, p9, 01 December 2013.
396 Operation Megan Report, MPS109687001, p13, para 6.3, undated.
397 Decision 49 and Decision 50, SIO Decision Log, MPS109903001, pp3-5, 26 November 2013.
398 Operation Megan Report, MPS109687001, page 11, para 5.19, undated.
399 Witness statement of Jonathan Rees, MPS109704001, pp40-64, 13 June 2014.
400 Person W14.

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ix. The Operation Abelard Two Investigation team were aware of, but failed to disclose, 18 crates of relevant material.

x. Information was improperly disclosed to *Panorama* by Metropolitan Police officers, and subsequently by others following the seizure of Jonathan Rees's computers and documents during a search in 2007.

xi. The Operation Abelard Two Investigation team attempted to pressurise Jonathan Rees's partner, Margaret Harrison, into providing a statement against him.[401]

B. To consider whether any person had committed any criminal offences and/or had a case to answer for misconduct or gross misconduct.[402]

C. To identify any organisational learning and make recommendations as deemed necessary.[403]

267. DCI Fiona McCormack's initial focus was to investigate allegation (x) above, that information was improperly disclosed to *Panorama* by Metropolitan Police officers, and subsequently by others, following the seizure of computers and documents during a search at Jonathan Rees's home address in 2007.[404] Photographs and invoices, which were contained within a laptop seized from Jonathan Rees by police during the Abelard Two Investigation, had been shown on the *Panorama* programme entitled '*Tabloid Hacks Exposed*' (broadcast on 14 March 2011).[405]

268. This was the first occasion upon which this aspect of Jonathan Rees's complaint had actually been examined. For the previous two-and-a-half years the Metropolitan Police and the Independent Police Complaints Commission had been clarifying the allegations contained in the complaint and discussing who should investigate the allegations. The Independent Police Complaints Commission did not have to investigate such a complaint and had the right to refer it back to the Metropolitan Police which it sought to do. The Metropolitan Police preferred the Independent Police Complaints Commission to carry out the investigation.

269. Following extensive investigation, Operation Megan established that a working copy of a disc produced from Jonathan Rees's computer for the Abelard Two Investigation, which contained the material which was shown on the *Panorama* programme, was missing and could not be located. It was also established that the invoices which were shown on the programme had been sent by email from former DCS David Cook to the journalist Michael Sullivan.[406]

270. Simultaneously, the Independent Police Complaints Commission investigation, Operation Longhorn (see section 4 above) was investigating leaks of police material from former DCS David Cook to Michael Sullivan.[407]

271. Although the Operation Megan Investigation made some progress in relation to the investigation of the unauthorised disclosure of material to the *Panorama* programme, there was a very real problem created by the dual roles of the Metropolitan Police and the Independent Police Complaints Commission, and the lack of resources to investigate at the Independent

401 Operation Megan Report, MPS109687001, p2, para 2, undated.
402 Operation Megan Report, MPS109687001, p2, para 2.2, undated.
403 Operation Megan Report, MPS109687001, p2, para 2.3, undated.
404 Operation Megan Report, MPS109687001, p14, para 7.1, undated.
405 Operation Megan Report, MPS109687001, p14, paras 7.1-7.4, undated.
406 Operation Megan Report, MPS109687001, p14, paras 7.9 and 7.10, undated.
407 Operation Megan Report, MPS109687001, p14, paras 7.12-7.13, undated.

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Police Complaints Commission. This led to a meeting on 08 January 2015, between the Independent Police Complaints Commission, Senior Investigator Chris Mahaffey and the Metropolitan Police Senior Investigating Officer, DCI Fiona McCormack. At this meeting, it was agreed that the investigation into the *Panorama* leakage would be conducted wholly by the Independent Police Complaints Commission.[408]

272. The Independent Police Complaints Commission Report on the *Panorama* allegation is analysed at section 6 below.

273. As a result of the meeting on 08 January 2015, one of Jonathan Rees's complaints to the Independent Police Complaints Commission, which was that '*DCS Cook prompted and coached prosecution witness Gary Eaton to change his evidence. DCS Cook then gave live evidence at the Voir Dire*[409] *and lied about his contact with him*,'[410] was returned to the Metropolitan Police for investigation, by the Independent Police Complaints Commission.

274. Operation Megan investigators accessed various data and information sources, including the following:

i. The seven HOLMES accounts used to investigate the murder of Daniel Morgan.[411]

ii. Exhibits seized following the arrest of Jonathan Rees in 2007.[412]

iii. Documentation and exhibits seized after the arrest of former DCS David Cook by the Independent Police Complaints Commission in 2012.[413]

iv. Exhibits seized by police following the execution of a search warrant at former DCS Cook's home address in 2014.[414]

v. All material held by the Criminal Cases Review Commission in relation to the proposed prosecution of Jonathan Rees and others, which was withdrawn on 11 March 2011.[415]

5.2.1 The initial review of exhibits seized from former DCS David Cook's home address in November 2014

275. In the course of communication by former DCS David Cook with the Metropolitan Police on a personal matter in 2014, he supplied the Metropolitan Police with a copy of a Metropolitan Police document which he should not have had, since he was retired. This led the Metropolitan Police to question whether he might also be holding other Metropolitan Police material.[416] Operation Megan investigators obtained and executed a search warrant at former DCS Cook's home address in November 2014.[417,418] During this search, numerous exhibits were seized,

408 Operation Megan Report, MPS109687001, p15, para 7.16, undated.
409 The pre-trial hearing.
410 Operation Megan Report, MPS109687001, p9, para 5.1, undated.
411 Operation Megan Report, MPS109687001, p13, para 6.7, undated.
412 Operation Megan Report, MPS109687001, p13, para 6.7, undated.
413 Operation Megan Report, MPS109687001, p13, para 6.7, undated.
414 Operation Megan Report, MPS109687001, p13, para 6.7, undated.
415 Operation Megan Report, MPS109687001, p11, para 5.18, undated.
416 Decision 89, SIO Decision Log, MPS109903001, pp45-46, 23 July 2014.
417 Decision 98, SIO Decision Log, MPS109904001, p4, 21 October 2014.
418 Witness statement, MPS1097130001, p221, 04 November 2014; Witness statement, MPS1097130001, pp242-244, 05 November 2014.

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including a large number of electronic storage devices such as laptops, memory sticks and mobile telephones. These electronic devices were subjected to forensic examination and the contents were analysed by Operation Megan investigators.[419]

276. Two exhibits were assessed to be of particular note: a hard drive concealed in a recess in former DCS David Cook's guest bathroom, and a MacBook Pro laptop.[420,421] Investigators also gained access to former DCS Cook's Metropolitan Police, the Serious Organised Crime Agency and Yahoo email accounts, which contained in excess of 20,000 emails.[422]

277. Interrogation of the electronic devices and email accounts owned by former DCS David Cook showed that he had retained copies of material and correspondence relating to many of the investigations he had managed during his time as a Senior Investigating Officer. This material was varied, and included intelligence logs, case file papers, research and analysis documents, and email correspondence. The recovered documentation ranged in its classification, from open source material which is freely available to the public, to highly sensitive, secret documents.[423]

278. Operation Megan was also provided by the Independent Police Complaints Commission with 620 emails and 5,846 pages of documents covering the period between 23 August 2006 and 07 September 2011, which had been provided to Operation Elveden by the Management Standards Committee at News International. The documents covered the period from 23 August 2006 to 07 September 2011. These documents were analysed, and a report was submitted by a Detective Constable on 31 July 2014.[424] The report concluded that:

> '*what is evident from reviewing these 5,846 pages of documents is that David COOK was intent on advancing his career as a future author of books and as a result provided Mike SULLIVAN with unrestricted access to material belonging to the Metropolitan Police Service and Operation Abelard Two. Although it is apparent from the content of some of these emails and from his prepared statements to the IPCC* [Independent Police Complaints Commission] *that he was experiencing both health and personal problems, he was undeterred in his mission to publish this book.*'[425]

279. This conclusion is clearly justified by the content of the emails.

280. **Operation Megan had specific, limited Terms of Reference. These did not include an investigation into material found concealed at former DCS David Cook's home in November 2014. Following a meeting with AC Martin Hewitt (who was newly appointed to deal with these matters following the departure of AC Cressida Dick[426] from the Metropolitan Police), this material was transferred to a new investigation called Operation Edison (see section 10 below).**[427]

419 Decision 99, SIO Decision Log, MPS109904001, p5, 20 November 2014.
420 Briefing note re Operation Megan Report, Metropolitan Police Service Directorate of Professionalism, MPS109907001, p1, 26 January 2015.
421 Witness Statement, MPS1097130001, p221, 04 November 2014, Witness Statement, MPS1097130001, p243, 05 November 2014.
422 Briefing note re Operation Megan Report, Metropolitan Police Service Directorate of Professionalism, MPS109907001, p1, 26 January 2015.
423 Briefing note re Operation Megan Report, Metropolitan Police Service Directorate of Professionalism, MPS109907001, p1, 26 January 2015.
424 D276 Op Megan, p19, 31 July 2014.
425 D276 Op Megan, pp17-18, 31 July 2014.
426 Subsequently returned to the Metropolitan Police as Commissioner in April 2017.
427 Decisions 99 and 100, SIO Decision Log, MPS109904001, pp5-6, 20 November 2014 and 20 January 2015.

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5.2.2 Allegations concerning the debrief and handling of Gary Eaton and the allegation that Gary Eaton was prompted and coached by former DCS David Cook and other members of the Abelard Two Investigation

281. Operation Megan investigators examined the information concerning allegations of a breach in the sterile corridor between Gary Eaton and the Abelard Two Investigation and whether he had been prompted or coached by former DCS Cook and other members of the Abelard Two Investigation.[428] Gary Eaton had not given evidence at the pre-trial hearing in relation to these matters. The matters were dealt with together because the occasions on which the sterile corridor was said to be breached were the occasions on which it was alleged that Gary Eaton had been prompted or coached.

282. Gary Eaton was interviewed by Operation Megan investigators on 08 and 09 July 2014.[429,430,431,432,433] An interview strategy prepared by a Detective Inspector provided that Gary Eaton was to be treated as a vulnerable witness.

283. In summary, it was reported that Gary Eaton had said that:

i. He knew about the sterile corridor and how it should work. It had been explained to him in the debrief and by his witness protection team.[434]

ii. That the sterile corridor had only been breached on one occasion, and this happened when he was being asked about Glenn Vian and Garry Vian and he could not remember their names. During a break he had gone with DS (later DI) Anthony Moore for a walk. Gary Eaton said that DS Moore said to him '*if you are having difficulty remembering their names I can give them to you*'. He said that he '*went mad*' and returned to the debrief telling his solicitor what had happened and recording the breach on tape at the start of the next session. He said that he did not trust DS Moore due to the fact that DS Moore had tried to feed him information.[435]

iii. Former DCS David Cook was '*an honest, totally upfront "Old Style Copper"*'. All contacts with former DCS Cook were in relation to welfare issues and issues surrounding the protection of his family. Contact which had taken place with former DCS Cook had not related to the ongoing investigation and were not inappropriate. He also said that the majority of the calls were made to him by former DCS Cook.[436]

iv. He was never given instructions on what to say by anyone.[437]

v. He had not signed the handwritten statement of 05 September 2006 in which he had stated that he wanted to disclose that '*the brothers are involved*' (see Chapter 8, Abelard Two Investigation).[438]

428 Operation Megan Report, MPS109687001, p2, paras 2.1.1-2.1.2, undated.
429 Gary Eaton Interview, Disk 1, MPS109853001, 08 July 2014.
430 Gary Eaton Interview, Disk 2, MPS109854001, 08 July 2014.
431 Gary Eaton Interview, Disk 3, MPS109855001, 08 July 2014.
432 Gary Eaton Interview, Disk 4, MPS109856001, 09 July 2014.
433 Gary Eaton Interview, Disk 5, MPS109857001, 09 July 2014.
434 Overview of Gary Eaton's interviews of 8th and 9th July 2014, MPS109821001, p2, undated.
435 Overview of Gary Eaton's interviews of 8th and 9th July 2014, MPS109821001, p2, undated.
436 Overview of Gary Eaton's interviews of 8th and 9th July 2014, MPS109821001, pp2-3, undated.
437 Overview of Gary Eaton's interviews of 8th and 9th July 2014, MPS109821001, p3, undated.
438 Overview of Gary Eaton's interviews of 8th and 9th July 2014, MPS109821001, p2, undated.

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284. Operation Megan investigators were aware that a further allegation had been made by Gary Eaton that:

i. during his debrief an officer had dropped him a name;

ii. when he was attending an identity parade he had 'been shown a face' by DS Anthony Moore; and

iii. had also said that '*Cook* [(DCS David Cook)] *should not have been on the case*'. This was alleged to have happened on 12 May 2010 when Gary Eaton had commented on the two alleged breaches of the sterile corridor to two police officers.[439]

285. These matters referred to in the previous paragraph had been brought to the attention of a Detective Inspector in the Witness Protection Unit. The Detective Inspector had recorded on 20 May 2010 that he had visited Gary Eaton at his home on 19 May 2010, and had asked him about these allegations:

i. Gary Eaton had explained that during a break in his debrief one day, DS Anthony Moore had suggested that he might jog his memory in respect of the name of a person whom he had been discussing. He immediately rejected the suggestion and the matter had been dropped. Gary Eaton had also said that he later complained about this incident to D/Supt Barry Phillips and that, as a result, a very short time later DS Moore had been removed from the enquiry.

Gary Eaton had confirmed to the Detective Inspector '*that he had already formally complained about this incident and it had been dealt with*'.[440]

ii. when asked what he meant by saying that after he had participated in an ID procedure he had been '*shown a face*', Gary Eaton had said that after the ID procedure DS Moore had asked Gary Eaton whether he had picked out a particular suspect, and he had replied that he had not. He said that at a later debrief DS Moore had '*tried to "force" the matter*' but that he stated that he had refused to be drawn on the matter.[441]

iii. when asked what he meant when he commented that '*Cook should not have been on the case*' he explained that David Cook used to ring him up and say things but that none of what he said was inappropriate.

286. The Detective Inspector from the Witness Protection Unit determined that the first allegation had been reported and dealt with and, in respect of the second and third allegations, nothing improper had occurred.[442] He also said that that being the case, and because Gary Eaton was no longer a prosecution witness, he had decided to take no further action.

287. The interview by the Detective Inspector from the Witness Protection Unit on 19 May 2010 was simply recorded as a Case Note in the Witness Protection files. There is no evidence that it was brought to the attention of Prosecuting Counsel or to his senior officers. However, it is recorded that on 05 October 2010 the Case Note was sent to the Directorate of Professional Standards.

439 Witness Protection Unit Case Note, MPS001357001, p1, 20 May 2010.
440 Witness Protection Unit Case Note, MPS001357001, p1, 20 May 2010.
441 Witness Protection Unit Case Note, MPS001357001, p1, 20 May 2010.
442 Witness Protection Unit Case Note, EDN001096001, p2, 20 May 2010.

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288. An investigation was then carried out by a Detective Sergeant in the Directorate of Professional Standards who reported on 13 October 2010. He stated that he had reviewed these matters and:

i. On 08 October 2010, Gary Eaton's solicitor had been contacted but had responded that Gary Eaton had not made a complaint and does not intend to do so. Gary Eaton's solicitor was unable to give a statement without the consent of her client and that consent had not been forthcoming.[443] However, the Detective Sergeant recorded that the solicitor had been present throughout all the interviews and had accompanied Gary Eaton on all breaks and had not made any complaint.[444]

ii. Gary Eaton had disputed that he made these complaints and did not wish to complain.[445]

iii. He could find no record of how the first allegation about the giving of a name had been dealt with, and no record of the allegation on the police discipline computer system.[446] However, neither Gary Eaton nor his solicitor, '*alleged any inappropriate actions* [by] *DI Tony Moore regarding this allegation*'.[447]

iv. There was no impropriety in the second allegation because Gary Eaton had not been shown a photograph before the ID procedure.[448]

v. The third allegation was an expression of Gary Eaton's opinion that David Cook should not have been on the investigation.[449]

vi. '*No evidence has been found to corroborate any inappropriate actions by either DI Tony Moore or Dave Cook. Unless new information comes to light, it is not proportionate or appropriate to investigate this matter any further.*'[450]

289. Operation Megan became aware of this matter, and officers who were deemed to be significant to the allegations were interviewed in 2014. It was reported that:

i. Former D/Supt Barry Phillips provided no new disclosures to the investigation but referred the Operation Megan investigators to his decision logs which were contemporaneous records.[451] There was nothing in the logs.

ii. DI (formerly DS) Anthony Moore provided no further evidence.[452] As the Debrief Manager, he produced the report about alleged interference in the debrief of Gary Eaton by members of the Abelard Two Investigation which was referred to by defence lawyers and others as 'Mooregate',[453] and reiterated that the matters alleged by Gary Eaton had not occurred

443 Operation Scaup Report, MPS109851001, p8, paras 12-14, 13 October 2010.
444 Operation Scaup Report, MPS109851001, p8, para 7, 13 October 2010.
445 Operation Scaup Report, MPS109851001, p9, para 15, 13 October 2010.
446 Operation Scaup Report, MPS109851001, p7, para 3, 13 October 2010.
447 Operation Scaup Report, MPS109851001, p8, para 8, 13 October 2010.
448 Operation Scaup Report, MPS109851001, p8, paras 9-10, 13 October 2010.
449 Operation Scaup Report, MPS109851001, p8, para 11, 13 October 2010.
450 Operation Scaup Report, MPS109851001, p9, paras 16-17, 13 October 2010.
451 Operation Megan Report, MPS109687001, p41, para 8.5.3.14, undated.
452 Operation Megan Report, MPS109687001, p41, para 8.5.3.13 and 8.5.3.15, undated.
453 Report by DI Anthony Moore, MPS006784001, undated.

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iii. One of the debriefers, a former police officer, also felt that Gary Eaton had been coached or led by the Abelard Two Investigation. He also said that '*during one of the debriefs Mr Eaton mentioned that he and DCS Cook would speak on "Skype" to avoid any trace*'. This was not recorded in any of the transcripts. The debriefer also referred to DNA evidence in relation to Gary Eaton being 'buried' or 'covered up.' A review of the forensic evidence in relation to Gary Eaton was conducted by Operation Megan and it was reported that nothing improper was discovered.[454]

iv. The Operation Megan Report stated that one of the other debriefers added nothing to the documentation which he had already provided.[455]

290. The Panel checked whether DS Anthony Moore had been removed from Gary Eaton's debrief team, as alleged by Gary Eaton. It has been established that DS Moore remained manager of the debrief team until the end of the debrief.

291. The Operation Megan Report states that former DCS David Cook had been arrested by the Independent Police Complaints Commission on 10 January 2012, and that following his arrest he had been interviewed regarding the offences for which he was arrested and matters relating to Gary Eaton. That interview had been carried out under caution, in accordance with the requirements of the Police and Criminal Evidence Act 1984. However, there had been no further formal interviews by the Independent Police Complaints Commission. Matters had been dealt with through written questions sent by the Independent Police Complaints Commission to former DCS Cook's solicitor. These were not under caution. In these answers he had maintained that there had been no wrongdoing in the manner Gary Eaton had been treated.[456]

292. Although DCS David Cook's written responses to questions were not made under caution, it is reported in Operation Longhorn that former DCS Cook had adopted the three documents which he had provided during an interview under caution by the Independent Police Complaints Commission on 08 November 2012.

293. **The fact that DCS David Cook had denied under caution any wrongdoing in relation to how Gary Eaton had been handled did not preclude the Metropolitan Police from questioning him about matters arising from the investigation of Jonathan Rees's complaints. Former DCS Cook was not interviewed by officers from Operation Megan. DCI Fiona McCormack made a reasoned decision in October 2016 that she would not interview former DCS Cook because '*there was insufficient evidence to interview him*'.**[457]

294. The Operation Megan Investigation into these two allegations – that there had been a breach of the sterile corridor and that Gary Eaton had been coached in giving his evidence – concluded the following:

i. There was no evidence to suggest that Gary Eaton was prompted to provide information by the Abelard Two Investigation.[458]

ii. Former DCS David Cook should not have maintained the levels of contact which he had with Gary Eaton without keeping formal records of the contacts.[459]

454 Operation Megan Report, MPS109687001, p41, paras 8.5.3.16–8.5.3.18, undated.
455 Operation Megan Report, MPS109687001, p41, para 8.5.3.19, undated.
456 Operation Megan Report, MPS109687001, p43, para 8.5.4.10, undated.
457 Decision 103, Policy Book 3, Operation Megan, MPS109904001, October 2016.
458 Operation Megan Report, MPS109687001, p43, para 8.5.4.12, undated.
459 Operation Megan Report, MPS109687001, p43, para 8.5.4.12, undated.

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iii. However, while '[o]*n the balance of probabilities DCS Cook's actions did amount to a breach of the standards of professional behaviour*',[460] this breach was assessed as being '*misconduct only*'.[461]

iv. Former DCS Cook could no longer be subjected to misconduct proceedings following his retirement.[462]

v. There was no evidence to suggest that any member of the Abelard Two Investigation team breached the standards of professional behaviour.[463]

vi. There was '*insufficient evidence to suggest that the criminal threshold has been reached*'.[464]

295. **There is a very clear timeline which shows extensive unauthorised contact between DCS David Cook and Gary Eaton, and the development of Gary Eaton's evidence to the Abelard Two Investigation (see Chapter 8, Abelard Two Investigation, section 6.4). However, apart from this circumstantial evidence there is nothing which is capable of proving beyond a reasonable doubt that Gary Eaton was prompted to provide evidence to the Abelard Two Investigation and Gary Eaton has denied that he was coached in what to say. The Panel has noted that allegations that DS Anthony Moore had attempted to coach him were made and subsequently withdrawn by Gary Eaton. Had Gary Eaton admitted that he had been coached and that he had given fabricated evidence in accordance with such coaching, he would have been admitting criminal behaviour not only by him, but also by the person who had coached him.**

296. There was no attempt to gain further information about these issues. Person G23 could have been interviewed, as could the Witness Protection Unit officers and the Criminal Justice Protection Unit officers, in addition to those who were questioned. Furthermore, former DCS David Cook should have been interviewed so that investigators could put to him the allegations which had been made, and so that he could give his account of what happened.

5.2.3 The allegation that Gary Eaton was tipped off by the Abelard Two Investigation team that Defence lawyers had discovered that he had lied about his father being dead

297. Operation Megan investigators reviewed the evidence available in relation to the allegation that Gary Eaton had been 'tipped off' that Defence lawyers had discovered that he had lied about his father being dead as alleged by Jonathan Rees.[465,466]

298. The details of what happened in relation to whether Gary Eaton had lied about his father's death, and whether he had been 'tipped off' that he had lied are to be found in Chapter 8, Abelard Two Investigation, section 6.4.6.

460 Operation Megan Report, MPS109687001, p43, para 8.5.4.12, undated.
461 Operation Megan Report, MPS109687001, p43, para 8.5.4.12, undated.
462 Operation Megan Report, MPS109687001, p43, para 8.5.4.13, undated.
463 Operation Megan Report, MPS109687001, p43, para 8.5.4.14, undated.
464 Operation Megan Report, MPS109687001, p43, para 8.5.4.15, undated.
465 Witness statement of Jonathan Rees, MPS1097130001, p151, para 43, 13 June 2014.
466 Operation Megan Report, MPS109687001, p44, para 8.6, undated.

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299. Operation Megan recorded the chronology of events and concluded that Gary Eaton had been:

> '*given the opportunity to retain credibility by explaining an obvious discrepancy in his account. This does not amount to either a criminal offence or misconduct on behalf of any officer.*
>
> '*There is evidence that the CPS* [Crown Prosecution Service] *had been consulted regarding the further interviews and de-briefs of Mr Eaton surrounding his father. No evidence has been found either by Mr Justice Maddison or Operation Megan to show any actions amounting to criminal conduct or that would be subject to disciplinary proceedings.*
>
> '*AC* [John] *Yates was informed of the concerns DS* [Anthony] *Moore had regarding the handling of 'the father' issue and he* [(AC John Yates)] *subsequently tasked Commander Stuart Osbourne* [sic] *to investigate the way the matter had been dealt with. Commander Osborne's findings concluded that the decisions made were appropriate and that there were no misconduct issues arising from the actions taken*.'[467]

300. Mr Justice Maddison did not comment on whether there was any action amounting to criminal conduct or that would be subject to disciplinary proceedings. It was therefore inaccurate for the Operation Megan Report to state that '*no evidence has been found*' by Mr Justice Maddison '*to show any actions amounting to criminal conduct or that would be subject to disciplinary proceedings*'. In fact Mr Justice Maddison did consider whether Gary Eaton was '*tipped off*' that he had been found to have lied about his father's death,[468] and concluded that '[t]*he purpose of the approach to Mr Eaton in my view was in part at least to tip him off that he had been caught out lying about his father*'.[469]

301. The Operation Megan Report concluded that there was '*no evidence to suggest that there was any breach in the standards of professional behaviour by any members of the investigation team, witness protection teams or debrief teams*' in this regard.[470]

302. This conclusion is not justified. There was evidence to suggest that there had been some breaches in the standards of professional behaviour, not least in the various comments made by Mr Justice Maddison. Those comments included the following:

i. His evaluation of the disclosure problems arising in the context of the 18 crates was that '*a clearer example of a lack of due diligence and expedition is difficult to imagine*'.[471]

ii. In relation to Gary Eaton eventually naming the brothers (Glenn Vian and Garry Vian), he said that he was '*satisfied there was improper prompting of some kind*'.[472]

467 Operation Megan Report, MPS109687001, p47, paras 8.6.3.2–8.6.3.4, undated.
468 Document D5586, *'Judges ruling re Eaton and other matters',* MPS107506001, pp58-62, paras 267-279, undated.
469 Document D5586, *'Judges ruling re Eaton and other matters'*, MPS107506001, p60, para 274.5, undated.
470 Operation Megan Report, MPS109687001, p47, para 8.6.3.7, undated.
471 Maddison J judgment, CLA000144001, p22, 03 March 2010.
472 Ruling of Maddison J, MPS107506001, p36, para. 167, undated.

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iii. In discussing DCS David Cook's breaches of the sterile corridor during the briefing of Gary Eaton, Mr Justice Maddison said: '*It is clear in my view that DCS Cook seriously understated the frequency of his previous contact with Mr Eaton when he completed these schedules, and he probably did so knowingly. I could readily understand some omissions due to human error and/or lack of time. However, the stark fact is that the schedule in its final form referred to only one-sixth of the days on which contacts were actually made.*' [473] He later said, '*DCS Cook was aware of the sterile corridor system and of its purpose but contacted Mr Eaton repeatedly in breach of the system. He continued to do so even after receiving directions and giving undertakings not to do so.*' [474]

5.2.4 The allegation that former DCS David Cook lied in court during a bail application regarding the history of James Ward and did not disclose relevant information about his background

303. Jonathan Rees had alleged in his written statement of complaint that '[t]*here were several bail applications. As usual, the bail applications were farcical in that the information that* [former DCS David] *COOK was putting up to stop us getting bail was absolutely totally misleading and lies.*' He also said, '[h]*owever, I confirm that my belief that false or misleading information was provided at any of the bail applications relating to the case does not form part of my complaint and I have requested that this is not investigated as part of it*'.[475] Finally, Jonathan Rees had said that DCS Cook '*said that Glen* [sic] *shouldn't be released as he would interfere with witnesses and this was one of the main reasons for objecting the bail*'.[476]

304. This was reported by DCI Fiona McCormack as being a complaint that DCS David Cook had '*lied in court during a bail application regarding the history of Mr Ward and did not disclose relevant information about his background*' and that '*DCS Cook lied during a bail application when providing evidence that Mr Glenn Vian threatened* [Person W14] *with an axe*'.[477] He said that former DCS Cook had given misleading information to the court during a bail application, as a consequence of which he had been kept on remand in prison.

305. Operation Megan investigators established that former DCS David Cook had not given evidence on oath at any of the bail hearings or the hearings of applications by the Prosecution to extend the custody time limits.[478]

306. Jonathan Rees had stated that when his lawyers had asked whether James Ward had ever been an informant, the prosecution replied in writing that James Ward had never been an informant. He stated that it had later been discovered that James Ward had been an informant and had used at least two pseudonyms (see Chapter 8, Abelard Two Investigation). He also stated that James Ward had provided information to police about where drugs had been hidden in a cemetery in Norwood, which had resulted in him receiving a reduced sentence.[479]

473 Ruling of Maddison J, MPS107506001, p32, para. 156, undated.
474 Ruling of Maddison J, MPS107506001, p34, para. 166(b), undated.
475 Witness statement of Jonathan Rees, MPS1097130001, p152, para 45, 13 June 2014.
476 Witness statement of Jonathan Rees, MPS1097130001, p152, paras 46, 13 June 2014.
477 Operation Megan Report, MPS109687001, p12, para 5.20, undated.
478 Operation Megan Report, MPS109687001, p 51, para 9.5.2, undated.
479 Witness statement of Jonathan Rees, MPS1097130001, p153, para 49, 13 June 2014.

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307. This matter was not addressed in the Operation Megan Report other than in the conclusion of the section on this aspect of his complaint it was said that '[t]*he evidence that the prosecution relied on to oppose Mr Glenn Vian's bail application was endorsed by the CPS* [Crown Prosecution Service] *and ratified by Mr Hilliard QC prior to being presented in court by prosecution counsel.* […] *no misleading information was presented during any bail applications.*'[480]

308. Since it was correct that there was no evidence that former DCS David Cook had given evidence during any bail application or custody time limit hearing, it was correct to say that former DCS Cook had not lied in court when giving evidence during such hearings.

There is no evidence that former DCS Cook had known that James Ward had been an informant before he first met James Ward in 2005. The information which he had previously supplied had been given using pseudonyms. Requests for any other pseudonyms used for James Ward, made by T/DCI Noel Beswick during Abelard Two, had received a negative reply. The evidence available shows that T/DCI Beswick had first become aware in March 2010 (see Chapter 8, Abelard Two Investigation) that James Ward had previously provided evidence to the police under pseudonyms.

Notwithstanding this, former DCS Cook had known that James Ward had stated in 2006 that he had provided information to police in 1987 which had resulted in his sentence of seven years being reduced to two years. Jonathan Rees was correct in saying that James Ward had previously provided information to the police.

309. Jonathan Rees also alleged that former DCS David Cook had lied during a bail application when providing evidence from James Ward that Glenn Vian had threatened Person W14 with an axe. Jonathan Rees stated that Person W14 had been identified and visited by a private investigator (a former police detective) who was working for Jonathan Rees's solicitors. Person W14 had told the private investigator that he had previously told the Abelard Two Investigation that he had not been threatened by Glenn Vian with an axe.[481]

310. In response to this allegation by Jonathan Rees, the Operation Megan Report stated that '*the investigation team were in possession of information from independent witnesses and covert recording product, all of which implicated Mr Glenn Vian in threatening a male relative with an axe. This information provided sufficient grounds in making an application to oppose Mr Glenn Vian's bail applications.*'[482] In addition to this, the Abelard Two Investigation had relied on other evidence from James Ward.[483]

311. The Operation Megan Investigation had a covert recording indicating that a male relative of Glenn Vian had known something about a third party being chased around a field with an axe. The recording did not indicate that a male relative of Glenn Vian had been threatened with an

480 Operation Megan Report, MPS109687001, p52, paras 9.5.7-9.5.8, undated.
481 Witness statement of Jonathan Rees, MPS1097130001, p152, para 46, 13 June 2014.
482 Operation Megan Report, MPS109687001, p51-52, paras 9.5.5–9.5.8, undated.
483 Operation Megan Report, MPS109687001, pp51-52, paras 9.5.3–9.5.7, undated.

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axe or chased around a field with an axe. In addition, the recording did not indicate that Glenn Vian had chased anyone around a field with an axe. The recording simply said that an unnamed individual '*had been chased around the field with an axe*'.

312. The material available to the Panel shows that James Ward had made a statement on 09 November 2006 in which he said that a man who, he thought, was Person W14, '*had been mouthing off that Glen* [sic] *and Gary* [sic] *were responsible for the Daniel Morgan murder. Glen* [sic] *and Gary* [sic] *decided to give him a visit to warn him off*.' James Ward had not stated that Person W14 had been chased across a field. Rather he had said that '[t]*here was a wire fence between them. Glen* [sic] *started to give* [Person W14] *a warning about keeping his mouth shut.* [Person W14] *started to run off across the field. They couldn't chase him because of the fence. Glen* [sic] *started shouting at* [Person W14]*. The next thing Glen* [sic] *produced an axe from his coat. Gary* [sic] *said Glen* [sic] *was shouting to* [Person W14]*to keep his mouth shut or he'd get some of this.*'[484]

313. Abelard Two investigators had visited Person W14 on 12 October 2006 and he had told them that a family member owned a field with horses and could be the person they needed to speak to.[485] The family member had been visited and had said that Kim Vian, Glenn Vian's wife, was his niece. He also said that he had not been threatened with an axe by Glenn Vian.[486] A third person, John Peacock, who had been a process server with Southern Investigations at the time of Daniel Morgan's murder, was also visited by T/DCI Noel Beswick and DS Gary Dalby on 12 February 2009. He said that he had visited a farm owned by a male relative of Garry Vian and Glenn Vian who had owned horses. He did not give any information about anyone being threatened with an axe by Glenn Vian.[487] In total, three people were visited by the Abelard Two Investigation. None of them had said he was threatened by Glenn Vian with an axe. There is no record that any of them were asked whether they knew anyone who had been so threatened.

314. In relation to the information provided by John Peacock on 12 February 2009, DS Gary Dalby reported that, '**[t]*his information corroborates WARD's account of the VIAN's attending a farm with horses owned by a relative to threaten the relative with an axe for talking about the MORGAN murder***' [bold in original].[488]

315. The information provided by John Peacock did not corroborate James Ward's account as set out by DS Gary Dalby. What the document actually reports was that John Peacock had attended a farm in a known location that '***was owned by an older male relative of the VIAN's and had 5 or 6 horses there***' [bold in original].[489] The information supplied by DS Dalby, as recorded in this document, to the Abelard Two Investigation is therefore incorrect.

484 Witness Statement of James Ward, MPS090079001, p28, 09 November 2006.
485 Message from DS Gary Dalby regarding visiting Person W14 to ascertain if he was threatened by Glenn Vian and Person W14's family information, MPS064237001, p1, 16 November 2006.
486 Action A589, '*Take interview and Take statement of* […] *re incident with Vian*', MPS064499001, 17 November 2006.
487 Message M1343, '*Message to* […] *from DS Dalby regarding meeting with John Peacock on 12/02/09*', MPS068679001, p2, 12 February 2009.
488 Message M1343, '*Message to […] from DS Dalby regarding meeting with John Peacock on 12/02/09*', MPS068679001, p2, 12 February 2009.
489 Message M1343, '*Message to […] from DS Dalby regarding meeting with John Peacock on 12/02/09*', MPS068679001, p2, 12 February 2009.

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5.2.5 The allegation that former DCS David Cook, AC John Yates and other members of the Abelard Two Investigation team allowed Gary Eaton to confess to serious crimes despite being mentally ill and did not conduct any enquiries to corroborate the confessions

316. Operation Megan investigators reviewed interview transcripts and police actions in relation to the debrief and handling of Gary Eaton during the Abelard Two Investigation, and also examined his medical history. They found the following:

i. When examined by the Force Medical Officer on 06 September 2006, Gary Eaton had said that he had never suffered from any mental illness and had never seen a psychiatrist;[490] and

ii. Although the Force Medical Officer had recommended that an appropriate adult[491] be present during any subsequent interviews, he had concluded that Gary Eaton's mental health issues did not affect his communication and understanding abilities, and that he was competent to provide evidence without the need of an appropriate adult.[492]

> The Panel has reviewed the Force Medical Officer's statements in respect of Gary Eaton's debrief.[493,494,495,496,497,498] Whilst the Force Medical Officer had recommended that Gary Eaton be accompanied by an appropriate adult after his first assessment, he made no mention as to whether an appropriate adult was required after subsequent examinations of Gary Eaton. The Operation Megan Report was therefore incorrect in stating that the Force Medical Officer had concluded that Gary Eaton was competent to provide evidence without the need of an appropriate adult.

iii. On 08 September 2006, the debrief Senior Investigating Officer had recorded that the Criminal Justice Protection Unit Officers had documented that Gary Eaton would not contribute to the debrief process in the presence of an appropriate adult, and that his solicitor had agreed to the debrief taking place in the absence of an appropriate adult.[499]

490 Operation Megan Report, MPS109687001, p28, para 8.2.3.9, undated.
491 The Police and Criminal Evidence Act 1984 (PACE) Codes of Practice provide for an appropriate adult to be called to the police station whenever a juvenile or mentally vulnerable person has been detained in police custody. Appropriate adults have an important role to play in the custody environment by ensuring that the detained person whom they are assisting understands what is happening to them and why. (Home Office Guidance for Appropriate Adults 2003.)
492 Operation Megan Report, MPS109687001, p22, para 8.2.3.24, undated.
493 Witness statement of doctor attending, MPS079071001, 03 August 2008.
494 Witness statement of doctor attending, MPS003203001, 03 August 2008.
495 Witness statement of doctor attending, MPS003204001, 03 August 2008.
496 Witness statement of doctor attending, MPS003391001, 15 November 2008.
497 Witness statement of doctor attending, MPS003392001, 15 November 2008.
498 Witness statement of doctor attending, MPS003439001, 04 April 2009.
499 Operation Megan Report, MPS109687001, p28, para 8.3.2.13, undated.

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iv. The debrief manager, DS Anthony Moore, had explained that the decision to continue with the debrief without an appropriate adult was also based on minimising the security risk to Gary Eaton were anyone else to be involved in the process, but that no interviews would be held in the absence of Gary Eaton's solicitor. Gary Eaton and his solicitor had agreed to this.[500]

v. Because Gary Eaton had been a voluntary witness in a debrief process, he had not been in police detention at any time, and therefore he was not required to have an appropriate adult present.[501]

317. At the request of Operation Megan, a registered intermediary[502] assessed Gary Eaton and had confirmed that Gary Eaton had the ability to communicate and give evidence if necessary, and that the use of a registered intermediary would not have improved the quality of any evidence which Gary Eaton might provide.[503]

318. DCI Fiona McCormack concluded that she was '*satisfied that the investigation team considered Mr Eaton's mental health issues and that steps and that the appropriate action was taken as soon as an appropriate adult was recommended for Mr Eaton*'.[504] She '*found no evidence of any individual wrongdoing*'[505] and '*no evidence to suggest that there was any breach of the standards of professional behaviour by any individual in relation to this aspect of the investigation*'.[506] However, it was noted that '*more expediency*' between the recommendation for an appropriate adult and the obtaining of a full medical history of the witness would be considered best practice, and that the Metropolitan Police policy regarding this had been re-written as a result of the Crown Prosecution Service/Metropolitan Police joint review following the withdrawal of all remaining evidence against the defendants on 11 March 2011.[507]

319. When assessing the allegation that Gary Eaton's confessions to the debrief team regarding his own criminality were not sufficiently investigated, Operation Megan found that each criminal offence *was* subject to an individual investigation, and analysis showed that '*there was sufficient evidence that he had committed 53 substantive offences between 1986 and 2006*'.[508] Among these offences were two assertions which contained an admission of involvement in a conspiracy to commit murder in 2006.[509] This matter was separately investigated, schedules of the offences identified, and the assertions made by Gary Eaton had been disclosed to both prosecution and defence counsel for each defendant.[510] Operation Megan found that there was '*no evidence*' of any '*breach in the standards of professional behaviour*' to substantiate this allegation.[511]

500 Operation Megan Report, MPS109687001, p29, para 8.3.3.7, undated.
501 Operation Megan Report, MPS109687001, p26, para 8.3.1.12, undated.
502 A registered intermediary is a '*self-employed communication specialist who helps vulnerable witnesses and complainants to give evidence to the police and to the court in criminal trials*'. They are recruited and selected by the Ministry of Justice; https://www.gov.uk/guidance/ministry-of-justice-witness-intermediary-scheme.
503 Operation Megan Report, MPS109687001, p22, para 8.2.3.25, undated.
504 Operation Megan Report, MPS109687001, p30, para 8.3.4.8, undated.
505 Operation Megan Report, MPS109687001, p30, para 8.3.4.7, undated.
506 Operation Megan Report, MPS109687001, p30, para 8.3.4.8, undated.
507 Operation Megan Report, MPS109687001, p30, para 8.3.4.9, undated
508 Operation Megan Report, MPS109687001, p32, para 8.4.3.9, undated.
509 Operation Megan Report, MPS109687001, p32, para 8.4.3.11, undated.
510 Operation Megan Report, MPS109687001, p33, para 8.4.3.13, undated.
511 Operation Megan Report, MPS109687001, p33, para 8.4.4.6, undated.

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320. The Panel is satisfied that this allegation was properly examined. The Panel is of the view, however, that Gary Eaton's violent and erratic behaviour and his references to having been depressed should have resulted in a psychiatric examination of him before he was allowed to enter into an agreement under the Serious Organised Crime and Police Act 2005. This matter was dealt with in the Crown Prosecution Service/ Metropolitan Police joint review and a recommendation for new practice was made. In the circumstances of the review of Gary Eaton and the way in which matters developed, the fact that he was provided with medical attention and counselling, and the absence of guidance on the matter, the Panel does not consider the omission of such an examination to have been a matter of misconduct on the part of any officer.

5.2.6 Allegations concerning Person J5

321. Jonathan Rees initially made the following allegations concerning Person J5:

i. that Person J5 had been pressurised by DC Caroline Linfoot and DC Danny Dwyer into providing a witness statement and entering into the debrief process;

ii. that the Abelard II investigation team had failed to challenge her account despite knowing it to be untrue;

iii. that Person J5 was mentally ill and therefore not a competent witness; and

iv. that DCI Noel Beswick had provided Person J5 with a laptop and that she subsequently used that laptop to research information she was providing during debriefs.[512]

322. However, on 14 February 2013, Jonathan Rees was interviewed again. During this interview he retracted his allegations concerning Person J5 although he stated he stood by the allegations. Nevertheless, DCI Fiona McCormack decided to continue to investigate the matters raised.[513]

323. After reviewing the evidence available, DCI Fiona McCormack concluded within the Operation Megan Report that allegations i, ii and iii (see paragraph 321 above) could not be substantiated.[514,515,516] In relation to allegation iv (see paragraph 321 above), it was concluded that the laptop was provided to Person J5's fiancé by the Witness Protection Unit to facilitate an educational course he was undertaking, and that the investigation team were unaware of this decision.[517] The Operation Megan Investigation also concluded that, upon learning that Person J5 was using the laptop to conduct research, Abelard Two investigators took '*immediate and appropriate action*' which led to her being discontinued as a prosecution witness.[518]

512 Operation Megan Report, MPS109687001, p53, para 10.1.1, undated.
513 Operation Megan Report, MPS109687001, p53, paras 10.1.2-10.1.3, undated.
514 Operation Megan Report, MPS109687001, p57, para 10.4.9, undated.
515 Operation Megan Report, MPS109687001, p58, para 10.6.3, undated.
516 Operation Megan Report, MPS109687001, p59, para 10.8.3, undated.
517 Operation Megan Report, MPS109687001, p59, para 10.9.2, undated.
518 Operation Megan Report, MPS109687001, p60, para 10.10.2, undated.

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324. Concerning all four allegations regarding Person J5, Operation Megan concluded that there was no evidence of any breach of standard of professional behaviour or criminal conduct.[519,520,521,522]

5.2.7 The allegation that the Abelard Two Investigation team knew about, but failed to disclose, 18 crates of material

325. Operation Megan investigators undertook a comprehensive review of the timeline and content of disclosure during the Abelard Two Investigation.[523] They concluded that there had been '*no deliberate attempt by members of the investigation or disclosure teams to conceal or withhold relevant information*',[524] but there had been '*organisational failings in the management and storage of material*'.[525] The Operation Megan Report further concluded that the failings in the management of material were '*due to the size and complexity of Operation Abelard II*',[526] and referred to the fact that, due to '*failures identified in Operation Abelard II and other large scale investigations, the MPS* [Metropolitan Police Service] *addressed and instigated organisational learning practices through Operation Filesafe*'.[527]

326. Operation Filesafe was a review of document handling and record management and examination of all physical records held by the Metropolitan Police. It was completed in 2018.

5.2.8 Allegations regarding police treatment of Margaret Harrison

327. Jonathan Rees initially made a complaint that DC Caroline Linfoot had been '*aggressive and malicious*' in her dealings with his partner, Margaret Harrison.[528] However, within his statement of 13 June 2014, he stated he did not wish the matter to be investigated and had disclosed this for information only.[529] However, DCI Fiona McCormack decided to investigate this matter for the purposes of '*completeness*'.[530] It was reported that '*Mrs Harrison was an important witness during the initial investigation, she had seen Daniel Morgan on the day that he was murdered and was also in a relationship with him at the same time. As such six witness statements were taken from her.*'[531]

328. After reviewing the evidence available, it was concluded that there was '*no corroborating material to support that DC Linfoot was aggressive or malicious in her dealings with Mrs Harrison*'.[532]

519 Operation Megan Report, MPS109687001, p57, para 10.4.9, undated.
520 Operation Megan Report, MPS109687001, p58, para 10.6.3, undated.
521 Operation Megan Report, MPS109687001, p59, para 10.8.3, undated.
522 Operation Megan Report, MPS109687001, p60, para 10.10.5, undated.
523 Operation Megan Report, MPS109687001, pp62-67, paras 11.3–11.3.67, undated.
524 Operation Megan Report, MPS109687001, p69, para 11.5.2, undated.
525 Operation Megan Report, MPS109687001, p69, para 11.5.1, undated.
526 Operation Megan Report, MPS109687001, p70, para 11.5.5, undated.
527 Operation Megan Report, MPS109687001, p70, para 11.5.5, undated; '*The purpose of Op FileSafe is to review MPS* [Metropolitan Police Service] *document handling and record management and complete a thorough assessment of all physical records held across the MPS* [Metropolitan Police Service] *estate'* (Witness statement of D/Supt Neil Hutchinson to the Undercover Policing Inquiry, para 7, https://www.ucpi.org.uk/wp-content/uploads/2017/08/Hutchison-WS-R9-8-and-R9-12.pdf.
528 Operation Megan Report, MPS109687001, p71, para 12.1.2, undated.
529 Witness Statement of Jonathan Rees, MPS1097130001, p150, para 38, 13 June 2014.
530 Operation Megan Report, MPS109687001, p71, para 12.1.3, undated.
531 Operation Megan Report, MPS109687001, p73, para 12.5.1, undated.
532 Operation Megan Report, MPS109687001, p74, para 12.5.9, undated.

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5.3 Conclusions of the Operation Megan Investigation

329. Since no criminal offences had been identified by the Operation Megan Investigation, the matter was not referred to the Crown Prosecution Service. DCI Fiona McCormack determined that there was insufficient evidence to interview former DCS David Cook and reported to DAC Fiona Taylor.

330. The Panel acknowledges the conclusions reached by the Operation Megan Investigation and is satisfied, based on evidence examined by the Operation Megan Investigation team, that there was no evidence of any criminal offence in relation to the matters considered in Operation Megan.

6 The 2017 Report by the Independent Police Complaints Commission on alleged unlawful releasing of material from police investigations to the BBC by former DCS David Cook: The *Panorama* complaint 2012-2017

331. When Jonathan Rees's complaint about the BBC *Panorama* Programme had been received in 2012, former DCS David Cook was a senior manager at the Serious Organised Crime Agency. The Independent Police Complaints Commission noted in its report that former DCS Cook retired in July 2013, taking advantage of a managerial early retirement scheme before the Serious Organised Crime Agency was abolished by the Crime and Courts Act 2013, and its functions were transferred to the National Crime Agency in October 2013. The transitional arrangements concerning complaints against former Serious Organised Crime Agency staff allowed the investigation to continue notwithstanding his retirement, but the National Crime Agency would not be required to determine whether disciplinary proceedings should be brought.[533]

332. The complaint was initially referred back to the Metropolitan Police for investigation but returned to the Independent Police Complaints Commission in 2015 (see paragraphs 266-272 above).[534]

333. The Terms of Reference for the Independent Police Complaints Commission investigation were:[535]

1. '*To investigate*

a) Whether or not the documents screened during the Panorama programme were provided unlawfully

b) Whether there is any evidence Mr Cook was responsible for this

c) Whether Mr Cook was party to any person, under his supervision, being responsible for this

533 '*Investigation into complaint made by William J. Rees*', IPC001411001, p4, para 10, 14 December 2016.
534 '*Investigation into complaint made by William J. Rees*', IPC001411001, p4, paras 7-8, 14 December 2016.
535 These were approved by the IPCC's Commissioner on 28 July 2015.

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2. '*To identify whether any subject of the investigation may have committed a criminal offence and, if appropriate, make early contact with the Director of Public Prosecutions (DPP). On receipt of the final report, the Commission shall determine whether the report should be sent to the DPP.*

3. '*To identify whether any subject of the investigation, in the investigator's opinion, has a case to answer for misconduct or gross misconduct or no case to answer. In Mr Cook's case whether he would, in the investigators opinion, have had a case to answer had he not retired.*

4. '*To consider and report on whether there is organisational learning, including:*

    - *whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;*

    - *whether the incident highlights any good practice that should be shared.'*[536]

334. Both the Metropolitan Police and the Independent Police Complaints Commission had asked the BBC for material. The BBC declined to assist in the absence of a court order compelling it to do so, to protect confidential journalistic source(s).[537] The Metropolitan Police sought a Production Order to compel the BBC to produce or allow access to the material sought by the Metropolitan Police.[538] The BBC challenged the application but subsequently disclosed some materials, albeit re-typed, and did not assist with enquiries to identify the source(s) of the confidential journalistic material which it had received.[539] The Independent Police Complaints Commission did not seek a Production Order after taking all relevant matters into account.[540]

335. The Independent Police Complaints Commission identified the documents and video footage of the boat trip by Jonathan Rees shown on *Panorama* as being material which had been on a copy of Jonathan Rees's hard drive, seized from him in February 2007 by the Abelard Two Investigation team.[541] After analysing the materials seized from former DCS David Cook's address in January 2012, the Independent Police Complaints Commission noted that former DCS David Cook provided some materials, if not all, from Jonathan Rees's hard drive to *Panorama*.[542]

336. The material available to the Independent Police Complaints Commission for the purposes of their investigation included material from Operation Longhorn (see section 4 above), the material seized when former DCS David Cook was arrested and his home was searched in 2012, and emails and documents disclosed by News International, some of which had been redacted by News International lawyers, for reasons of legal professional privilege and to protect journalistic sources. Those emails did not contain all the material which would have been available, as it had not been possible to recover some deleted items.[543]

536 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p9, para 51, 14 December 2016.
537 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p14, paras 96 and 99, 14 December 2016.
538 Police and Criminal Evidence Act 1984, sch 1, paras 1-4.
539 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p14, paras 96-97, 14 December 2016.
540 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p14, para 99, 14 December 2016.
541 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p8, para 43, 14 December 2016.
542 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p26, paras 203 – 213, 14 December 2016.
543 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p16, para 115, 14 December 2016.

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337. The Independent Police Complaints Commission identified a series of emails sent by former DCS David Cook between September 2010 and August 2011 to a variety of journalists including Glen Campbell, a journalist who worked on the *Panorama* programme in question, Michael Sullivan of News International, and Kirsteen Knight of the BBC.[544] There is no indication, in the Independent Police Complaints Commission report, of whether there was an awareness that, besides working for the BBC, Kirsteen Knight was also the partner of Daniel Morgan's brother, Alastair Morgan, and took notes at all the meetings held between the Metropolitan Police and Alastair Morgan.

338. The Independent Police Complaints Commission Report notes that '[i]*t was apparent, from the tone of the communications, that they were interspersed with face-to-face meetings and telephone calls, the details of which were not obvious.*'[545]

339. The emails which were examined demonstrated that former DCS David Cook had given documents and information to Michael Sullivan.[546] According to the Independent Police Complaints Commission Report, those between former DCS Cook and Glen Campbell showed the following sequence of events:

i. On 04 October 2010, Glen Campbell emailed former DCS Cook suggesting it would be '*good to see you and catch up since we last met* […]'.[547]

ii. Later that evening, former DCS Cook emailed to himself '*a schedule of invoices – afour page document apparently related to work carried out for newspapers in 1998 and 1999 which included work carried out by Jonathan Rees*', and '*several News International Self Billing Invoices in the name of W.J Rees (William Jonathan Rees) from 2005 and 2006, including the invoices which were – with slight alterations – screened on the Panorama programme*'.[548] He then emailed Glen Campbell offering to meet the *Panorama* producer and seeking an assurance '*about the discretion aspect*'.[549]

iii. On 06 October 2010 Glen Campbell had emailed former DCS Cook arranging to meet, and former DCS Cook responded saying, '*I have a 4 page document from 1999 from Southern Investigations. It details some of the work they were doing then for newspapers […] They were being paid a lot of money by 1999 standards for some of the stuff they were doing. If I give you the document, you cannot broadcast its existence but it will give you some good background.*'[550]

iv. On 09 October 2010, Glen Campbell emailed former DCS Cook: '*Let me know when I can collect the 1999 Southern document* […].' Former DCS Cook replied saying that he had them electronically and could send them anytime, but he wanted '*some assurances about how they will be used. I cannot afford for them to be blazoned across a tv screen.*'[551]

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544 '*Investigation into complaint made by William.J.Rees*', IPC001411001, pp16-22, paras 120-161, 14 December 2016.
545 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p16, para 118, 14 December 2016.
546 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p17, para 126, 14 December 2016.
547 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p17, para 130, 14 December 2016.
548 '*Investigation into complaint made by William.J.Rees*', IPC001411001, pp17-18, para 130, 14 December 2016.
549 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p18, para 130, 14 December 2016.
550 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p18, paras 131-132, 14 December 2016.
551 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p18, paras 135-136, 14 December 2016.

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v. Some months later there followed a series of Skype messages between former DCS Cook and Glen Campbell, the most significant of which was a message from former DCS Cook to Glen Campbell on 26 February 2011 which said: '*Not sure there is much on it but what would a copy of a certain PI's*[552] *hard drive* [sic] *worth*.'[553]

340. In addition to this, emails between Kirsteen Knight of the BBC and former DCS David Cook showed the following:

i. that on an unknown date, Kirsteen Knight had written to former DCS Cook as follows:

> '*Powerful people in the BBC are looking at whether they should go for maximum impact on the Rees story. This means saving all the stories about Southern Investigations that various parts of the BBC are digging into and putting the* [sic] *all out on the same day. To do that they need very strong new material …So if there is anything you want said or have any suggestions let me know.…*'[554]

ii. On 08 August 2011 former DCS Cook emailed Kirsteen Knight saying,

> '*…What sort of material is it that they need, I might be able to point you in the right direction*'. *Not surprisingly I ma* [sic] *having a lot of aggravation from my current employer over the phone hacking stuff and the fall out from the Abelard Trial but I will do what I can to help…*'[555]

iii. On 09 August 2011, Kirsteen Knight is recorded as having sent a lengthy email in which she said:

> '*What all the BBC teams are desperate for, are the transcripts of the third enquiry that prove Rees was undertaking illegal activities for newspapers. Panorama and Graeme McLagen* [sic] *have them but they won't share them with anyone else...*' '*…In fact are there any invoices at all that we could have sight of?*' […] '*I won't be surprised or offended if you can't help with any of the above.*'[556]

iv. On 12 August 2011, former DCS Cook replied saying that, '*anything I can give is only from memory*'*… 'I am surprised Graeme McClaggan* [sic] *cannot assist. I do not know what Graeme has because he was given access before I became involved in the investigation but it must be substantial because of his book and the articles he has written.*' Former DCS Cook concluded the mail by saying '[i]*f it is off the record and does not come back to me, I am happy to sit down and chat through things with someone… that is about as much as I can do*'.[557]

341. Former DCS David Cook was interviewed under caution about these matters on 16 June 2016. He declined to answer any questions and did not provide a written response.[558]

552 The letters PI were interpreted by the Independent Police Complaints Commission as being an abbreviation for Private Investigator.
553 '*Investigation into complaint made by William.J.Rees'*, IPC001411001, p21, para 153, 14 December 2016.
554 '*Investigation into complaint made by William.J.Rees'*, IPC001411001, p21, para 157, 14 December 2016.
555 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p21, para 158, 14 December 2016.
556 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p21, para 159, 14 December 2016.
557 '*Investigation into complaint made by William.J.Rees*', IPC001411001, pp21-22, paras 160-161, 14 December 2016.
558 '*Investigation into complaint made by William.J.Rees'*, IPC001411001, pp11-12, para 71, 14 December 2016.

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6.1 The findings of the investigation

342. The Independent Police Complaints Commission concluded that:

i. the invoices, transcripts and video footage seized from Jonathan Rees's house were provided to the *Panorama* programme;[559]

ii. '[t]*here was no evidence to suggest any member of the investigation team, other than Mr Cook, disclosed material to Panorama*',[560] and *that* '*taking into account CPS* [Crown Prosecution Service] *guidance it was not considered that there were any grounds to suspect any person who may have received the information from Mr Cook of committing an offence*';[561]

iii. '[t]*here is evidence that the transcripts may have already been disclosed to Mr McLagan with authority from the MPS* [Metropolitan Police Service]. *However, there is no evidence of the MPS authorising the disclosure of the invoices or the video images of the boating trip to any person outside the MPS*';[562]

iv. '[t]*here is insufficient evidence for any reasonable tribunal to find that Mr Cook provided the transcripts to Panorama, whether by himself, through Mr Sullivan or by any other means*';[563]

v. the two invoices shown on the *Panorama* programme were identified as having been seized from Jonathan Rees's house in 2007. DCS David Cook had had access to these,[564] and it was concluded that '*a disciplinary tribunal could conclude that Mr Cook was responsible for disclosing the invoices to Panorama, whether by himself or through Mr Sullivan*';[565]

vi. '*there is sufficient evidence for a reasonable tribunal to conclude that Mr Cook provided Glenn* [sic] *Campbell with a copy of material from Mr Rees's hard drive*' which contained the video of the boating trip shown on the *Panorama* programme;[566]

vii. emails and Skype messages showed '*a willingness, on Mr Cook's part, to provide documents*',[567] and that it is known that former DCS David Cook provided documents to Michael Sullivan, and it can be inferred that he also provided documents to Glen Campbell;[568] and

viii. '[i]*n considering whether there is a case to answer, whether Mr Cook knew or intended that the material should be broadcast is, in my opinion, irrelevant. The seriousness of any disclosure of information, particularly personal data without authority, is in the loss of control of that information and how it may be used.*'[569]

559 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p28, para 223, 14 December 2016.
560 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p28, para 225, 14 December 2016.
561 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p24, para 181, 14 December 2016.
562 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p28, para 224, 14 December 2016.
563 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p24, para 189, 14 December 2016.
564 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p25, para 190, 14 December 2016.
565 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p25, para 202, 14 December 2016.
566 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p26, para 213, 14 December 2016.
567 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p26, para 214, 14 December 2016.
568 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p26, para 214, 14 December 2016.
569 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p27, para 217, 14 December 2016.

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343. The report produced by a member of staff at the Independent Police Complaints Commission was addressed to the Deputy Chair who then made a decision as to the future handling of the matter. It stated that there was evidence showing unauthorised disclosure of personal data to *Panorama*, which is an offence under section 55 of the Data Protection Act 1998, and of misconduct in public office. Thereafter a decision was required of the Deputy Chair as to whether a criminal offence may have been committed and whether any file should be submitted to the Crown Prosecution Service.

344. In relation to the offence of misconduct in public office, the report stated that '*the Deputy Chair will no doubt wish to take into account the recent guidance from the CPS* [Crown Prosecution Service] [...]. *There is no evidence of any payment for making the disclosure. Panorama is a respected current affairs programme and the issues surrounding Mr Rees's work for News International engage issues in which there is a public interest.*'[570]

345. The report concluded that '[i]*n deciding whether it is appropriate to refer this report to the CPS* [Crown Prosecution Service] *the Deputy Chair will no doubt wish to take into account the CPS* [Crown Prosecution Service] *reasons given in respect of the previous investigation for considering that it was not in the public interest to charge Mr Cook for his disclosures to Mr Sullivan.*'[571]

346. The Independent Police Complaints Commission's Report concluded that '*there was sufficient evidence upon which a reasonable tribunal could conclude that the officer* [former DCS David Cook] *had a case to answer for gross misconduct*'.[572] No separate organisational learning issues were identified.

347. On 03 January 2017, the Deputy Chair of the Independent Police Complaints Commission made her determination, pursuant to Schedule 3 of the Police Reform Act 2002.[573]

348. Her determination adopted the investigator's finding that former DCS David Cook had provided material to *Panorama*. However, in relation to offences under the Data Protection Act 1998, she determined that:

> '[t]*here was, and remains, considerable public concern about the use of phone hacking by journalists in pursuit of a story, and in my view there is insufficient evidence to negate a defence that the disclosure by Mr Cook was justified as being in the public interest*'; and that '[e]*ven if there was an indication then, taking into account the availability of this defence, in my opinion, there is no realistic prospect of the CPS* [Crown Prosecution Service] *bringing charges*'.[574]

349. In relation to the offence of misconduct in public office, the Deputy Chair found the following:

i. DCS David Cook, as a serving police officer at the time of the disclosure, was in public office.

ii. DCS Cook wilfully misconducted himself.

570 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p28, para 229, 14 December 2016.
571 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p28, para 230, 14 December 2016.
572 '*Investigation into complaint made by William.J.Rees*', IPC001411001, p29, 14 December 2016.
573 Police Reform Act 2002, sch 3, paras 23(2)(b) and (c).
574 Commission delegate decision regarding early referral to the Director of Public Prosecutions, p8, 03 January 2017.

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iii. With reference to the additional guidance issued to the Crown Prosecution Service on cases involving disclosure of information to journalists (see paragraphs 187-189 above),[575,576] the disclosure by DCS Cook arguably had a significant effect on one individual, Jonathan Rees, however the material formed only part of the information presented by the programme and this impact had to be weighed against the broader public interest in airing issues of public concern. There was no indication that the information was provided for payment, nor was there any suggestion of a corrupt relationship between DCS Cook and the *Panorama* journalists.

350. She stated:

> '*In my view as set out above when considering a potential* [Data Protection Act] *offence, there is a potential public interest argument in favour of the disclosure, which in my view is capable of amounting to a reasonable excuse or justification.*
>
> '*There is no evidence that the material was provided in return for payment or that the disclosed material, of itself, damaged the public interest. Taking into account the* [Crown Prosecution Service] *guidance above, I have determined there is no indication that the offence of Misconduct in Public Office may have been committed. Even if there were an indication, there is, in my opinion, no realistic prospect that the* [Crown Prosecution Service] *would charge the offence.*' [577]

351. On the basis of the evidence and with the assistance of legal advice, the Deputy Chair of the Independent Police Complaints Commission decided that the report of the Independent Police Complaints Commission investigator *does not indicate that criminal offences may have been committed* […]' and that '*even if it did, that there is no realistic prospect of the full code evidential and public interest charging tests being met and so it would be inappropriate for the matters in the report to be considered by the* [Director of Public Prosecutions]', and '*I have accordingly decided not to refer this investigation to the* [Director of Public Prosecutions].'[578] The conclusion that '*there is no realistic prospect of the full code evidential and public interest charging tests being met*' is not sustainable in the absence of full consideration of the issues, and of a recognition that former DCS Cook's right to present a public interest defence did not negate the fact that there may have been a public interest in prosecuting former DCS Cook.

352. The determination by the Deputy Chair of the Independent Police Complaints Commission that no criminal offences had been identified relied on the fact that, despite the finding that there was evidence showing unauthorised disclosure of personal data to *Panorama*, conduct which is capable of constituting an offence under section 55 of the Data Protection Act 1998, and of misconduct in a public office, there were defences available to former DCS Cook.

353. No consideration was given in this report by the Independent Police Complaints Commission to the cumulative damage potentially caused by unauthorised disclosure, either to the prosecution which would in all probability have occurred but for the acquittal of the Defendants before the trial was heard, to future prosecutions of various cases, or to the investigative methodologies of the police service.

575 Independent Office for Police Conduct Disclosure on 03 April 2020, AF relevant Doc 36 Guidance doc from Crown Prosecution Service 20 April, '*Additional guidance on cases involving payments made to corrupt public officials by journalists*', p1, para 1, undated.
576 https://www.cps.gov.uk/legal-guidance/media-additional-guidance-case-involving-payments-made-corrupt-public-officials.
577 Commission delegate decision regarding early referral to the Director of Public Prosecutions, pp8-9, 03 January 2017.
578 Commission delegate decision regarding early referral to the Director of Public Prosecutions, p10, 03 January 2017.

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354. The Independent Office for Police Conduct (the successor organisation to the Independent Police Complaints Commission) explained that the possible damage caused by the unauthorised disclosures was considered in the Operation Longhorn report (unauthorised disclosure to Michael Sullivan), and that the Deputy Chair of the Independent Police Complaints Commission took into account the Crown Prosecution Service decision which had been made on 11 September 2015 on the Operation Longhorn referral, in which the volume of material disclosed, its sensitivity and the motive for disclosure provided a greater public interest for a prosecution.

355. The decision made by the Specialist Prosecutor in Operation Longhorn (which was endorsed by the Head of the Organised Crime Division at the Crown Prosecution Service, Gregor McGill[579]) had been that he was satisfied, even in the absence of all available evidence, that the public interest did not reach the threshold for a prosecution for offences of misconduct in public office or breach of the Data Protection Act 1998.[580] In reaching this conclusion, the Specialist Prosecutor noted that:

> '*At the time I was asked by the* [Independent Police Complaints Commission] *to provide a charging advice in this case, I was also made aware of a separate* [Metropolitan Police Service] *Investigation (Operation Megan) into a complaint by Jonathan Rees that his personal data had been provided to the Panorama television programme and to the media by DC* [former DCS David Cook]. *I am told that the Operation Megan team propose to deal with any misuse by DC* [former DCS David Cook] *of the personal data of Jonathan Rees as an internal matter rather than one for prosecution and I consider that to be relevant and indicative of how matters of that nature may have been dealt with at that time.*'[581]

356. It is clear that the Specialist Prosecutor in Operation Longhorn, in reaching his decision on 11 September 2015, was relying on the fact that he had been advised that Jonathan Rees's complaint about unauthorised disclosures to *Panorama* was not going to be treated as a matter for prosecution. In the event, the *Panorama* disclosures were investigated by the Independent Police Complaints Commission, not the Metropolitan Police (see paragraph 332 above). That complaint was not finalised until January 2016, some four months after the Specialist Prosecutor reached his conclusions with regard to Operation Longhorn. On 03 January 2017, the Deputy Chair of the Independent Police Complaints Commission then relied on the Specialist Prosecutor's decision that the threshold for prosecution was not met when making her decision.

357. The statutory arrangements under which the Independent Police Complaints Commission was operating[582] did not enable it to make representations to the National Crime Agency (formerly the Serious Organised Crime Agency) or the Metropolitan Police about possible organisational learning which might derive from the investigation which had been conducted. There was therefore no opportunity for the Independent Police Complaints Commission to alert

579 Endorsement by Head of Division, IPC001410001, pp47-58, 29 September 2015.
580 Crown Prosecution Service Organised Crime Division (Hacking Unit) I.P.C.C. Investigation Operation Longhorn – David Cook, IPC001410001, para 190, p46, 11 September 2015.
581 Crown Prosecution Service Organised Crime Division (Hacking Unit) I.P.C.C. Investigation Operation Longhorn – David Cook, IPC001410001, para 182, p45, 11 September 2015.
582 Police Reform Act 2002 section 26.

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these agencies to the damage potentially caused by the unauthorised disclosure, nor to the opportunity for organisational learning about the Metropolitan Police's process for and controls over the disclosure of information to journalists.

RECOMMENDATION

358. Guidance should be issued by the Metropolitan Police to enable officers to determine whether it is appropriate, necessary and lawful to disclose investigative material to journalists. That guidance should include a requirement to record by whom, to whom and when any such evidence was disclosed, who authorised the disclosure, the reasons for the disclosure of the material, and the express conditions upon which the information is disclosed.

7 The civil action in the High Court

359. Following their acquittal, Jonathan Rees, former DS Sidney Fillery, Garry Vian and Glenn Vian (henceforth referred to as 'the Claimants') brought a civil action in the High Court against the Commissioner of Police for the Metropolis seeking damages for malicious prosecution and for misfeasance in public office. James Cook, the fifth Defendant acquitted, was not a party to this action.

360. The Claimants argued that the Commissioner was vicariously liable for the actions of former DCS David Cook. At the heart of the Claimants' case was the argument that by breaching the sterile corridor and corrupting Gary Eaton's evidence, former DCS Cook had committed a criminal act, and that had it not been for former DCS Cook's criminal conduct, the Claimants would not have been prosecuted for the murder of Daniel Morgan, or in the case of former DS Sidney Fillery, for perverting the course of justice.

361. Former DCS David Cook was asked to provide evidence in this case but did not do so. Former DCS Cook told the Panel in interview that when he was asked to provide a witness statement he was already under investigation by the Metropolitan Police (Operation Megan, which ran from 2012-2018, and Operation Edison which ran from 2015-2020) and by the Independent Police Complaints Commission about allegations made about him by Jonathan Rees in 2012 (that investigation concluded in 2017).[583] Those investigations, which were ongoing at the time, could have led to criminal proceedings against former DCS Cook had the evidence justified such proceedings. In addition to this, former DCS Cook had recorded, in a note to his solicitor, other reasons including the following:

i. The Metropolitan Police had offered him '*no real support*' for the difficulties he experienced after the surveillance on him;

ii. He and his family had suffered substantial damage to their health and general welfare. By giving evidence he would expose himself and his family to further risk;

iii. Over the years, Jonathan Rees had made threats to him and there had been further concerns about his safety and that of his family;

583 Panel interview with former DCS David Cook, Transcript 6, pp3-5, 26 August 2020.

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iv. To give evidence would be further detrimental to his safety and he could not and would not rely on the Metropolitan Police to support him; and

v. The Metropolitan Police had known about the civil action for almost four years but had left it until three months before the trial date to contact him.[584]

362. The material available to the Panel indicates that because it had been said that former DCS David Cook was not fit to give evidence, a very lengthy statement was prepared by former T/DCI Noel Beswick, the Deputy Senior Investigating Officer of the Abelard Two Investigation.[585]

363. The Metropolitan Police should have contacted former DCS David Cook earlier to obtain his views on the civil proceedings by Jonathan Rees and others against the Metropolitan Police. He had been the Senior Investigating Officer. However, in light of the information provided by former DCS Cook's solicitor on 07 October 2016 that he was not fit to give evidence, it was reasonable to seek a statement from former T/DCI Noel Beswick.

364. Former DCS David Cook subsequently alleged that the Metropolitan Police should have informed the court that he was under criminal investigation by the Metropolitan Police in relation to his conduct of the Abelard Two Investigation, when explaining that he was unable to give evidence.[586] He also explained to the Panel that his position of being under criminal investigation compromised his ability to give evidence on behalf of the same organisation in relation to the same issues, matters which he raised with the Metropolitan Police at the time. He told the Panel that when he was informed that he was no longer under investigation, he refused to provide a witness statement because he was denied access to the relevant documentation which he required to perform this task by the Metropolitan Police.

365. Former DCS David Cook's solicitor had told the Metropolitan Police that former DCS Cook was not fit to give evidence because of ill health. Former DCS Cook was being investigated by the Metropolitan Police in relation to unlawful retention and disclosure of material belonging to the Metropolitan Police and other authorities. These matters were not the subject of the civil action and in those circumstances, it was not improper for the Metropolitan Police to explain former DCS Cook's inability to attend and give evidence on the grounds provided to them by former DCS Cook's solicitor.

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584 Briefing note from former DCS David Cook to his solicitor provided to the panel by former DCS Cook 19 March 2017.
585 Statement of former T/DCI Noel Beswick, MPS109748001, 20 October 2016.
586 Panel interview with former DCS David Cook, Transcript 6, p4, 26 August 2020.

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7.1 The findings of Mr Justice Mitting

366. The trial, which was presided over by Mr Justice Mitting, lasted from 17 January 2017 to 10 February 2017[587] and involved detailed examination of a large volume of material, spanning the nearly 30-year period since Daniel Morgan's murder.

367. Mr Justice Mitting heard submissions from the Claimants and the Defendant as to whether former DCS David Cook had maliciously prosecuted the Claimants and/or committed misfeasance in public office.

7.1.1 Malicious prosecution

368. The Claimants claimed that former DCS David Cook had maliciously prosecuted them. In a strictly factual sense, former DCS Cook was not the prosecutor. The Crown Prosecution Service was the prosecutor. However, the Claimants argued that because former DCS Cook had contaminated the evidence of Gary Eaton and had deliberately concealed this from the Crown Prosecution Service and Treasury Counsel, the Crown Prosecution Service and Treasury Counsel were unable to exercise independent judgment when deciding whether to charge and prosecute the Claimants. The Claimants claimed that this made former DCS Cook the *de facto* Prosecutor.[588]

369. For each of the Claimants to establish malicious prosecution they had to prove the following five elements:

i. He was prosecuted by the defendant.

ii. The prosecution was determined in his favour.

iii. The prosecution was without reasonable and probable cause.

iv. It was malicious.

v. The claimant suffered actionable damage.[589]

370. Mr Justice Mitting held that former DCS David Cook was not to be treated as the Prosecutor (point i) and the Claimants' claims for malicious prosecution therefore failed.[590]

7.1.2 Misfeasance in public office

371. The Claimants also argued that former DCS David Cook's actions constituted misfeasance in public office. Mr Justice Mitting referred to the elements of the tort of misfeasance in public office:[591]

i. The Defendant must be a public officer.

ii. The exercise of power must be as a public officer.

587 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWCH 273 (QB), MPS109702001, p 1, 17 February 2017.
588 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, pp38-39, paras 146-147.
589 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p32, para 136, 17 February 2017.
590 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p39, para 147, 17 February 2017.
591 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p47, para 180, 17 February 2017.

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iii. Misfeasance in public office may be either '*targeted malice by a public officer, i.e. conduct specifically intended to injure a person or persons. This type of case involves bad faith in the sense of the exercise of public power for an improper or ulterior motive,*' or may occur '*where a public officer acts knowing that he has no power to do the act complained of and that the act will probably injure the plaintiff. It involves bad faith in as much as the public officer does not have an honest belief that his act is lawful.*'[592]

iv. The act or omission of the public officer must cause loss to the claimant.

372. Mr Justice Mitting found that by breaching the sterile corridor, designed to protect Gary Eaton's evidence, former DCS David Cook had done an act tending and intended to pervert the course of justice, which is a criminal offence, and that in doing so he had '*contaminated the source of justice*'.[593] As Mr Justice Mitting explained:

> '*On the facts of this case, I am satisfied that what Maddison J found that Cook did amount [sic] to the crime of doing an act tending and intended to pervert the course of justice. The principal purpose of the sterile corridor system, even though it was non-statutory was as stated: to ensure the integrity of evidence to be given by an assisting offender. By prompting a potentially unreliable witness to implicate Glenn and Garry Vian in the Morgan murder and then to conceal the fact that he had done so from the CPS and prosecuting counsel, Cook did an act which tended to pervert the course of justice.*'[594]

373. Mr Justice Mitting was satisfied that misfeasance in public office had been committed by former DCS David Cook[595] and that he realised that his conduct would probably injure the Claimants.[596]

374. It was then necessary for Mr Justice Mitting to determine whether or not former DCS David Cook caused loss to the Claimants. Mr Justice Mitting asked himself '*whether or not the relevant claimant would have been charged, detained and sought to be brought to trial as a result of Cook's conduct in relation to Eaton.*'[597]

375. Mr Justice Mitting held that the criminal conduct of former DCS David Cook had not caused Jonathan Rees, Garry Vian or Glenn Vian loss, because they would have been prosecuted in any event. As Mr Justice Mitting explained, '*I am satisfied on the balance of probabilities that prosecuting counsel and the CPS* [Crown Prosecution Service] *would have decided to prosecute Rees and Glenn and Garry Vian on the basis of the evidence available when they were charged other than that of Eaton*.'[598] Jonathan Rees, Garry Vian and Glenn Vian's claims therefore failed.[599]

592 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p47, para 180, 17 February 2017.
593 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p50, para 187, 17 February 2017.
594 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p50, para 186, 17 February 2017.
595 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p51, para 189, 17 February 2017.
596 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p51, para 190, 17 February 2017.
597 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p51, para 191, 17 February 2017.
598 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p51, para 192, 17 February 2017.
599 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p52, para 194, 17 February 2017.

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7.1.3 Former DS Sidney Fillery

376. Former DS Sidney Fillery was the only Claimant who was (partially) successful in his claim at first instance. He was awarded damages for misfeasance in public office but not for malicious prosecution. Former DS Fillery had not been charged with the murder of Daniel Morgan, but with perverting the course of justice after allegedly threatening Gary Eaton in a public house in 1987. Mr Justice Mitting found that former DS Fillery's case was different from the other Claimants because the only evidence supporting the charge against him was the evidence of Gary Eaton, and that '*but for Cook's conduct in relation to Eaton, Eaton's evidence would never have seen the light of day*'.[600] As Mr Justice Mitting explained:

> '*Different considerations apply in the case of Fillery. In his case, the only evidence on which the prosecution proposed to rely was that of Eaton* [...] *Maddison J only stayed the case against Fillery because he considered that he should consider a stay first. He considered that, to try Fillery on a single count which depended upon the evidence of a doubtful witness about what was said 22 or 23 years ago was not fair.* [...] *Although there is nothing to prove that Cook prompted Eaton to accuse Fillery of making the threat against him on which the prosecution depended, the simple fact is that, but for Cook's conduct in relation to Eaton, Eaton's evidence would never have seen the light of day and Fillery would not have been prosecuted. It follows that his claim for damages for misfeasance in public office succeeds in full.*'[601]

8 Operation Megan Two

377. Following the comments made by Mr Justice Mitting in February 2017, that former DCS David Cook had done an act tending and intended to pervert the course of justice by breaching the sterile corridor and prompting Gary Eaton to implicate Glenn Vian and Garry Vian in the murder of Daniel Morgan, and concealing the fact that he had done so from the Crown Prosecution Service and Prosecution Counsel, the Metropolitan Police opened a new investigation into the conduct of former DCS Cook on 21 March 2017.[602]

378. The Metropolitan Police enquired of the Independent Police Complaints Commission whether they wanted to conduct this investigation.[603] The Independent Police Complaints Commission declined to do so.

379. The Metropolitan Police appointed D/Supt Fiona McCormack, who had conducted the Operation Megan Investigation, as Senior Investigating Officer.[604] The investigation, which was called Operation Megan Two, began on 11 April 2017.[605] The Megan Two Investigation's task was to establish whether there was evidence to show that former DCS David Cook had committed perjury, perverted the course of justice and committed misconduct in public office.

380. A report was sent to the Crown Prosecution Service for decision on 06 December 2017. The Metropolitan Police and the Crown Prosecution Service decided that no access to the papers from this investigation would be given to the Panel until the Crown Prosecution Service had made a decision.[606] This report was made available to the Panel on 02 July 2019.

600 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p52, para 195, 17 February 2017.
601 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p52, para 195, 17 February 2017.
602 SIO Decision Log, MPS109905001, pp1-7, 21 March 2017.
603 Decision 1, SIO Decision Log, MPS109905001, p5, 21 March 2017.
604 SIO Decision Log, MPS109905001, pp3 and 6, 21 March 2017.
605 SIO Decision Log, MPS109905001, pp3 and 8, 23 March 2017.
606 Decision 19, SIO Decision Log, MPS109905001, p24, 01 November 2017.

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381. Operation Megan Two investigators examined the material available from previous investigations, including telephone records, and sought further evidence. In all, 22 key witnesses were identified. Four of those witnesses declined to cooperate with the investigation.[607] The pre-trial hearings in relation to Gary Eaton ran between 19 October 2009 and 18 December 2009 and the transcripts of those proceedings were examined. Gary Eaton had been interviewed by Operation Megan investigators on 08 and 09 July 2014. He had said that he had never been prompted in any way by DCS David Cook or any member of the Abelard Two Investigation. He declined to be interviewed further.[608]

8.1 DCS David Cook's interactions with Gary Eaton and the development of Gary Eaton's evidence

382. The report stated that significant events in the debriefing of Gary Eaton, during which vital evidence was disclosed, were as follows:

i. 09 August 2006: Gary Eaton made no mention of being at the murder scene although he did not explicitly state that he was not at the scene.

ii. 10 August 2006: Gary Eaton stated that a few weeks after the murder he had asked James Cook if he had been involved and had later found out that James Cook had provided a getaway vehicle and driven the murderer away.

iii. 01 September 2006: Gary Eaton stated that he was at the murder scene and witnessed James Cook driving away and that was how he knew that James Cook was the driver.

iv. 05 September 2006: Gary Eaton stated that '*the brothers*' were involved.

v. 12 September 2006: Gary Eaton said that he was called into the toilet at the Golden Lion public house by 'Brother 1' and went into the car park and saw 'Brother 2' and James Cook in the car.

vi. 14 September 2006: Gary Eaton was asked by his solicitor if he could remember anything about the brothers. Gary Eaton could not.

vii. 19 October 2006: Gary Eaton first referred to the brothers as Glenn and Scott.[609]

383. The report correctly noted that '[t]*he disclosure of these events coincides with the highest volume of sterile corridor breaches and contact events between Eaton and DCS Cook. It also coincides with the period in which Eaton's management was most challenging and his mental and physical health deteriorate* [sic] *leading to the involvement of medical practitioners.*'[610]

384. Mr Justice Mitting had stated that former DCS David Cook was aware of the sterile corridor system and its purpose, but contacted Gary Eaton repeatedly, in telephone calls, some of which were of substantial length, and continued to do so even after receiving directions and giving undertakings not to do so. He did not make any note of what he said or texted. The timing of the telephone calls was significant, in particular those of 28 and 29 August 2006, three and four days before Gary Eaton said, on 01 September 2006, for the first time that he had been at the pub on the occasion of the murder. When Gary Eaton produced the prepared

607 Operation Megan II Report, MPS109753001, p13, 05 December 2017.
608 Operation Megan II Report, MPS109753001, p13, 05 December 2017.
609 Operation Megan II Report, MPS109753001, p5, 05 December 2017.
610 Operation Megan II Report, MPS109753001, p5, 05 December 2017.

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statement mentioning 'the brothers' on 05 September 2006, soon after receiving an unrecorded text message from DCS Cook, saying that he needed further reassurance as to the safety of his family before going into further detail, he received that reassurance from DCS Cook, in clear breach of the sterile corridor system. The evolution of his account about the brothers in debriefing interviews on 12 and 13 September 2006, was interposed by a telephone call from DCS Cook to Gary Eaton. There were a large number of unrecorded calls by DCS Cook to Gary Eaton before the latter arrived at his final version of events on 19 October 2006.[611]

385. The Megan Two Report summarised dates of telephone contact between Gary Eaton and DCS David Cook between 23 August 2006 and 12 September 2006,[612] although it was stated that there was a gap in the billing from Gary Eaton from 23 August 2006 to 19 September 2006, which was a crucial period.[613] It noted that data were available at a cost of £5,000 in 2006, but '[a]*t the time this amount was not considered proportionate so the data was not obtained. The officers would not have been aware of the significance of this gap until it became an issue during the Voir Dire*[614] *in 2009. Efforts were then made to retrieve the data but were unsuccessful due to the passage of time.*'[615] The Megan Two Report contained details of the Criminal Justice Protection Unit logs articulating the difficulties which they had experienced in managing Gary Eaton as a witness (see Chapter 8, Abelard Two Investigation, section 6.4).[616]

386. The report referred in detail to events which occurred on 05 September 2006. The sequence of events was recorded by DS Anthony Moore, who was the debriefing officer, in a typed Schedule of Contact as follows:

> '*Debrief takes place then GS* [Gary Eaton] *taken to covert location for welfare visit by DCS COOK. Also present DS MOORE and Keima PAYTON (SOL).*'

These words were followed immediately by the following words:

> '*0945 Gary* [Eaton] *arrives – consultation*
>
> *With sols 10.15 Sols out DS Moore out fro* [sic] *Tea/Coffee 10.55 DS Moore returns, coffee Provided & cigarettes. Gary has broken down & Remains alone in bedroom – given time to think & Compose himself 1150 Sols in consultation*
>
> *12.20 Sols out with note – signed & exhibited Gary does not want to Go further today.*
>
> *1830 meeting held at covert Location at request of DCS Cook*
>
> *Via DSU Phillips Keima Payton Also present. Purpose is to reassure Gary that everything is being done to Provide security for him and his Family* […]'[617]

387. This note of events gave rise to an understanding that Gary Eaton had been taken to a secure location by DCS David Cook before 9.45 am on 05 September 2006. The first words, '*Debrief takes place then GS* [Gary Eaton] *taken to covert location for welfare visit by DCS COOK*', were misunderstood. As examined in Chapter 8, the Abelard Two Investigation, this was a critical misunderstanding.

611 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, pp24-25, para 100, 17 February 2017.
612 Operation Megan II Report, MPS109753001, p6, 05 December 2017.
613 Operation Megan II Report, MPS109753001, p9, 05 December 2017.
614 The pre-trial hearing.
615 Operation Megan II Report, MPS109753001, p9, 05 December 2017.
616 Operation Megan II Report, MPS109753001, pp9-10, 05 December 2017.
617 '*Schedule of Contact with Gary* [Eaton] – *Operation Abelard II*', MPS006763001, p9, undated.

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388. Former DCS David Cook had been examined, on 08 December 2009, by Richard Christie QC for the Defence, and asked whether he was present when Gary Eaton was debriefed on 05 September 2006, or before the debrief. Former DCS Cook had replied 'No' to both questions. When asked whether, '*You only saw him later that day?*' former DCS Cook said '*Yes.*'[618]

389. Former DCS David Cook had, however, texted Gary Eaton at 11.25 on 05 September 2006, before Gary Eaton had signed a statement that '*The time is 11.57* [...] *I wish to disclose that the "brothers" are involved.*'[619] Former DCS Cook said in evidence to the hearing that he did not know why he had texted Gary Eaton at that time. Gary Eaton had declined to provide any further information during his interview.

390. However, DS Anthony Moore's entry on the Schedule of Contact was construed by Mr Justice Maddison to mean that Gary Eaton had been taken by DCS David Cook for a welfare visit prior to the debrief. Mr Justice Maddison reported that, '*Mr Eaton was taken to a covert location by DCS Cook for what was described as a "welfare visit"* [...] *Mr Eaton then had a consultation with his solicitor.*' '*At 10.15 he was left alone in a bedroom* [...].'[620]

391. On examination of the contemporaneous documentation the Panel has established the following:

i. 09.40 am – Gary Eaton arrived for his debrief. He had a consultation with his solicitor.

ii. 10.15 am – The consultation with the solicitor finished. DS Anthony Moore went out for '*tea/coffee*'.

iii. 10.50 am – DS Moore returned and provided coffee and cigarettes. He recorded '*Gary has broken down and remains in bedroom given time to think and compose himself.*'

iv. 11.50 am – Gary Eaton's solicitor had a further consultation with him.

v. 12.20 pm – The solicitor emerged with a handwritten statement signed by Gary Eaton saying that the brothers were involved signed. Gary Eaton declined to be debriefed further that day.

vi. 6.30 pm – Gary Eaton, in the presence of his solicitor and DS Moore, met DCS Cook.[621]

392. The Megan Two Report concluded that Mr Justice Mitting's finding, in his judgment on the civil action brought by Jonathan Rees and others, that '*before 1015 am Cook took Eaton to a covert location for a welfare visit*', was incorrect. This understanding by Mr Justice Mitting derived from the statement of Mr Justice Maddison. The only meeting between DCS David Cook and Gary Eaton, accompanied by DS Anthony Moore and Gary Eaton's solicitor, Keima Payton, occurred at 6.30 pm.

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618 Transcript of hearing, p55, 08 December 2009.
619 '*Prepared Statement of Gary* [Eaton]', MPS006779001, p1, 05 September 2006.
620 Ruling of Mr Justice Maddison, MPS109597001, p55, para 78, undated.
621 Operation Megan II Report, MPS109753001, pp5-6, 05 December 2017.

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393. Having reached the conclusion which he did, Mr Justice Mitting stated that '*prompting a potentially unreliable witness to implicate Glenn and Garry Vian in the Morgan murder and then to conceal the fact that he had done so from the CPS* [Crown Prosecution Service] *and prosecuting counsel, Cook did an act which tended to pervert the course of justice*'.[622]

394. In reaching this conclusion, Mr Justice Mitting said:

> '*I reach that conclusion even though I am not persuaded that Cook intended that Eaton should give false evidence. Although no-one, other than Cook and Eaton can know for certain what he said to him, I believe it to be inconceivable that Cook gave Eaton a detailed account of what he believed had happened, knowing that Eaton had not witnessed it. My strong suspicion – it can be no more than that – is that he encouraged Eaton to say that he was present at the Golden Lion* [public house] *on 10 March 1987 and did witness the aftermath of the murder because he believed that Eaton had been there, but was reluctant to say so, because of fears for his and his family's safety and that inaccuracies in his account would be exposed. I strongly suspect that in the two lengthy calls on 28 and 29 August 2016* […] *he encouraged Eaton to say that the next debriefing session on 1 September 2006, as he had not done before, that he was present at the scene. I strongly suspect that this was because Eaton had said something to Cook which prompted him to believe that Eaton may have been there. Once he began to tell his story, like Maddison J, I accept that Cook prompted him to name "the brothers" as Scott and Garry. The danger in this was that it encouraged an unstable individual with severe personality and psychiatric problems to say what he thought Cook wanted him to say, whether or not it was true. I am satisfied that something like that is what happened. I do not believe that Eaton was present in the Golden Lion* [public house] *on 10 March 1987 and so did not see what he claimed to have seen. If he had been allowed to give evidence of that before a jury, the course of justice would unquestionably have been perverted, whatever the outcome of the trial.*'[623]

395. The Megan Two Report stated that there being no new witness evidence since Person G23, Gary Eaton's former solicitor, Keima Payton, and former DCS David Cook's former wife, Jacqui Hames, all declined to provide evidence to the Megan Two Investigation, there was no new evidence '*to alter the original findings published*' in the Operation Megan Report.[624] Those findings had been that '*DCS Cook should not have maintained the levels of contact that he did with Mr Eaton without keeping formal records of contact*' and that his '*actions did amount to a breach of the standards of professional behaviour and there is a case to answer in respect to duties and responsibilities.*'[625] As former DCS Cook had retired, no disciplinary proceedings were possible.

8.2 The issue of whether Gary Eaton had been tipped off that his father was dead

396. The Megan Two Investigation reviewed the notebooks and other notes made by Directorate of Professional Standards Witness Protection Unit officers and other officers and confirmed its earlier conclusion that there had been a miscommunication of information which resulted in a misguided assertion by DS Anthony Moore.

622 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p50, para 186, 17 February 2017.
623 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, pp50-51, para 188, 17 February 2017.
624 Operation Megan II Report, MPS109753001, p7, 05 December 2017.
625 Operation Megan Report, MPS109687001, p43, para 8.5.4.12, undated.

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397. Former DCS David Cook was interviewed by the Megan Two Investigation on 11 July 2017 between 1.23 pm and 2.03 pm.[626] He produced a 50-page prepared statement[627] and answered some of the questions which were put to him.

398. In his prepared statement, former DCS David Cook's responses to questions included:

i. Denial of any criminal acts[628] but admitted that he had made mistakes and he apologised for those mistakes.[629]

ii. That he '*never knowingly or intentionally did anything to break the law or to frustrate the interests of justice or to cover up anything* [he] *had done*'.[630]

iii. That he had never concealed his contacts with Gary Eaton and was fully aware that those contacts would be recorded by phone companies.[631]

iv. That he never intentionally prompted Gary Eaton.[632]

v. That the sterile corridor had no statutory basis nor was there any Association of Chief Police Officers guidance, and at no point was he given training about Serious Organised Crime and Police Act debriefs other than a draft copy of the guidelines which did not cover situation that arose with Gary Eaton.[633]

vi. That he did not tip off Gary Eaton about his father being dead and said that it was he who insisted that Gary Eaton had to be challenged as the revelation of the fact that he had described his father as being dead had an adverse effect on his credibility as a witness.[634]

vii. That he had not wanted further contact with Gary Eaton after his initial contact, but that no unit would take responsibility for him immediately (former DCS Cook described this as a '*well-known corporate weakness within the MPS* [Metropolitan Police Service]*: no-one will grip difficult decisions and things drift and drift*'[635] and confirmed that during the initial period his '*role was simply to assist the operational team, supervise and look after his* [Gary Eaton's] *welfare*'.[636]

viii. That he had handed Gary Eaton over to the Criminal Justice Protection Unit on 11 August 2006 and believed that there would be no further contact, however Gary Eaton continued to call on welfare grounds complaining of accommodation, his relationship with Person G23[637] and later, after taking a dislike to DS Anthony Moore he complained about him (DS Anthony Moore).[638]

626 Record of interview with former DCS David Cook, MPS109901001, p1, 11 July 2017.
627 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, 11 July 2017.
628 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p4, para 6, 11 July 2017.
629 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p5, para 12, 11 July 2017.
630 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p5, para 12, 11 July 2017.
631 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p5, para 13, 11 July 2017.
632 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p6, para 15, 11 July 2017.
633 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p6, para 14, 11 July 2017.
634 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, pp6-7, para 17, 11 July 2017.
635 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p17, para 78, 11 July 2017.
636 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p18, para 85, 11 July 2017.
637 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p25, paras 118-119, 11 July 2017.
638 Redacted copy of prepared statement of former DCS David Cook, MPS109752001, p26, para 124, 11 July 2017.

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399. The Megan Two Investigation concluded that, although former DCS David Cook underestimated the volume of contact which he had had with Gary Eaton, there was no evidence to disprove former DCS Cook's account in any other area, nor was there any additional evidence to suggest that DCS Cook made attempts to prompt Gary Eaton or provide him with information relating to the inquiry.[639]

400. The Megan Two Report concluded with an examination of the evidential weaknesses of the case against former DCS David Cook among which were the following facts:

i. Both Mr Justice Maddison and Mr Justice Mitting regarded Gary Eaton as wholly unreliable.[640]

ii. Two key witnesses, Person G23 and his solicitor at the time of the debrief, had refused to be interviewed.[641]

iii. Mr Justice Mitting had not heard evidence from former DCS Cook and had not had access to the Operation Megan Investigation papers, including the interview of Gary Eaton on 08 and 09 July 2014. Mr Justice Mitting's conclusion about the events of 05 September 2006 relating to Gary Eaton, were based on the inaccurate assumption that former DCS Cook had been present both in the morning and in the evening of 05 September 2006. It had been shown that, in fact, DCS Cook had only met Gary Eaton once that day at 6.30 pm. Gary Eaton had said that he had ignored the text which he had received from DCS Cook at 11.25 am on 05 September. The prepared statement in which he had implicated '*the brothers*' in the murder had been produced during a debrief. Gary Eaton's health had been '*drastically deteriorating*' at this time, his concerns about the safety of his family had reached a critical level and he was unwilling to continue. He was the '*only reliable witness and as such DCS Cook felt he was entitled to hold the meeting and do everything possible to keep Gary Eaton on board*'.[642]

iv. There was no evidence to disprove the assertion, by both former DCS Cook and Gary Eaton, that contact between them had been welfare related.[643]

v. Breaching a sterile corridor is not a criminal offence. It is a breach of the Code of Conduct for police officers.[644]

vi. The report produced by the Covert Operations Security Unit in April 2007 on the debriefs of James Ward and Gary Eaton had emphasised that the shortcomings identified through the debriefing process were substantially, if not wholly, down to the fact that there was no clear corporate guidance and limited resources to secure evidence from such witnesses and that '*given the circumstances DCS Cook should be "applauded".*'[645]

639 Operation Megan II Report, MPS109753001, p12, 05 December 2017.
640 Operation Megan II Report, MPS109753001, p16, para 1, 05 December 2017.
641 Operation Megan II Report, MPS109753001, p13, 05 December 2017.
642 Operation Megan II Report, MPS109753001, p16, para 2, 05 December 2017.
643 Operation Megan II Report, MPS109753001, p16, para 3, 05 December 2017.
644 Operation Megan II Report, MPS109753001, p16, para 5, 05 December 2017.
645 Operation Megan II Report, MPS109753001, p16, para 6, 05 December 2017.

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vii. DCS Cook had been aware that his initial conversation with Gary Eaton was being recorded, therefore it was highly unlikely that as an experienced Senior Investigating Officer, he would have prompted Gary Eaton.[646]

viii. Gary Eaton was a very problematic witness and the witness protection contact logs supported DCS Cook's account.[647]

ix. The accounts from the three strongest prosecution witnesses, DI Anthony Moore and the two debriefers, were unsubstantiated, and no evidence could be found to support the allegations made.[648]

401. The Megan Two Investigation sought advice on charges against former DCS David Cook as follows:

i. Perjury:

No evidence had been identified to suggest that former DCS Cook had wilfully lied or withheld information despite being cross-examined for nine days during the pre-trial hearing. Mr Justice Maddison had concluded that he was satisfied that former DCS Cook had adequately accounted for his actions.

ii. Perverting the course of justice:

There was no new evidence to suggest that former DCS Cook had intentionally contacted Gary Eaton with the purpose of providing him with information or that he did an act intending to pervert the course of justice.

However, the Operation Megan Two report said '*it must be considered that DCS Cooks actions alone constitute an offence. DCS Cook was an experienced SIO* [Senior Investigating Officer] *who would have been well aware of the sterile corridor and the protocols and risks associated with operating outside these guidelines* […] *as the debriefing of Eaton continued it would have become more apparent that he was an unstable witness and that his assertions being made were becoming problematic as his account developed.* […] *it could be considered that DCS Cooks actions in maintaining Eaton as a witness and persisting with him up to trial is in itself an attempt to pervert the course of justice as he should have withdrawn him as a witness or at the least cast doubt on his reliability* […] *as Eaton undermined the prosecution case based on his unreliability.*'[649]

iii. Misconduct in public office:

The Megan Two Investigation identified no new evidence which would alter the findings of the Operation Megan Investigation. There was no evidence '*to suggest that DCS Cook provided Eaton with information relating to the Daniel Morgan murder or manipulated events in order to assist Eaton in doing so*'.[650]

646 Operation Megan II Report, MPS109753001, pp16-17, para 7, 05 December 2017.
647 Operation Megan II Report, MPS109753001, p17, para 8, 05 December 2017.
648 Operation Megan II Report, MPS109753001, p17, para 9, 05 December 2017.
649 Operation Megan II Report, MPS109753001, p17, 05 December 2017.
650 Operation Megan II Report, MPS109753001, p17, 05 December 2017.

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402. Following the submission of this report in December 2017, a decision was made by the Crown Prosecution Service in November 2018 not to prosecute former DCS David Cook. Jonathan Rees, former DS Sidney Fillery and Glenn Vian appealed against this finding. The decision was upheld by a different branch of the Crown Prosecution Service on 17 May 2019. The Panel was notified confidentially on 19 June 2019. On both occasions, Jonathan Rees was provided with a written explanation for these decisions by the relevant Prosecutor. The reviewing lawyer in the Crown Prosecution Service concluded that there was insufficient evidence to prove that former DCS Cook's actions tended and were intended to pervert the course of justice.[651] He also said that he did not consider that former DCS Cook's actions in repeatedly breaching the sterile corridor, contrary to instructions and his own agreement not to do so, was misconduct calculated to injure the public interest so as to call for condemnation and punishment.[652]

9 The appeal against the decision of Mr Justice Mitting in the civil action, 2018

403. Jonathan Rees, Glenn Vian and Garry Vian, whose claims against the Metropolitan Police Commissioner had failed in the High Court, sought leave to appeal to the Court of Appeal.[653] Leave had been denied by Mr Justice Mitting, but was granted by the Court of Appeal on 01 June 2017. Lord Justice McCombe, Lady Justice King and Lord Justice Coulson heard the appeal on 24 and 25 April 2018. The appeal was on points of law. There was no challenge to any of Mr Justice Mitting's factual findings. Judgment was delivered on 05 July 2018.

404. Lord Justice McCombe stated at the beginning of his judgment:

> *'I would emphasise at the outset that this judgment is founded entirely upon the primary facts found by the judge. It will be seen, however, that in certain areas I find myself in disagreement either with the judge's legal conclusions or the secondary conclusions which he draws from the primary facts which he found.'*[654]

405. Lord Justice McCombe explained:

> *'The salient feature of the present proceedings, however, and the salient reason why Maddison J decided to exclude Eaton's evidence from the appellants' prospective trial, was that the Senior Investigating Officer ("SIO"), Detective Chief Superintendent David Cook ("DCS Cook") was found to have compromised the de-briefing of Eaton by making and receiving an extensive number of unauthorised direct contacts with Eaton in the period leading up to Eaton's making of his statements, in contravention of express procedures for keeping a "sterile corridor" between the debriefing officers and the investigation team. In the course of the debriefing process, Eaton moved from being unwilling to name directly any of the participants in the murder to naming the three appellants and giving his graphic (as it turned out obviously inaccurate) description of the murder scene.'*[655]

651 Victim's Right to Review Letter from the Crown Prosecution Service to Jonathan Rees, Sidney Fillery and Glenn Vian, p26, para 98, 17 May 2019 [Crown Prosecution Service disclosure to DMIP via email on 12 November 2019]
652 Victim's Right to Review Letter from the Crown Prosecution Service to Jonathan Rees, Sidney Fillery and Glenn Vian, p26, para 103, 17 May 2019 [Crown Prosecution Service disclosure to DMIP via email on 12 November 2019]
653 Court of Appeal letter granting permission for appeal, CIV000003001, p1, 01 June 2017.
654 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, pp2-3, para 2.
655 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p4, para 8.

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9.1 Malicious prosecution

406. The Court of Appeal overturned Mr Justice Mitting's finding that former DCS David Cook was not the Prosecutor. Their Lordships found that '[t]*he decision to prosecute was "overborne and perverted"*' by former DCS David Cook's misfeasance.[656] As Lord Justice McCombe explained:

> '*It seems to me that the judge's conclusions* […] *fail to take fully into account the position of DCS Cook, as the most senior police officer in the case, presenting a case to the CPS for a prosecution decision. By virtue of the judge's other express findings, DCS Cook was intending to pervert the course of justice in suborning Eaton and then knowingly presented the fruits of that criminal offence to influence the charging decision. DCS Cook presented Eaton as an eyewitness to the murder scene.*'[657]

407. Lord Justice McCombe went further, stating that the '*malign influence*'[658] of former DCS David Cook tainted the whole investigation:

> '*In assessing whether the CPS* [Crown Prosecution Service] *and Treasury Counsel were able to exercise a truly independent judgment, it is necessary to stand back from the printed word and, postulating the reverse of the facts as they were, to ask what effect it would have had on their judgment if they had been told that the SIO* [Senior Investigating Officer] *had deliberately presented to them a case in which the evidence of the only supposed eyewitness had been improperly procured by that officer by acts intended by him to pervert the course of justice. The case otherwise was supported only by evidence, not to mince words, of extremely "dodgy" witnesses and some circumstantial material. In my judgment, on this hypothesis, it is inconceivable that, in such circumstances, the CPS would have advised that murder charges be brought, without DCS Cook having been removed from the process entirely and a fresh review of the material having been prepared from which his malign influence had been removed.*'[659]

408. Having established that former DCS David Cook was the Prosecutor, the Court of Appeal considered whether former DCS Cook had acted with malice. In the High Court, Mr Justice Mitting had declined to find that former DCS David Cook was malicious because, '*even if Cook's methods are open to criticism, his motive was not: it was to bring those he believed to be complicit in the Morgan murder and in covering it up to justice*'.[660] Before the Court of Appeal, Nicholas Bowen QC, Counsel for Jonathan Rees and Glenn Vian, argued that this amounted to '*a judicial sanction of corruption*'.

409. The Court of Appeal held that there was neither subjective nor objective reasonable and probable cause to lay murder charges against the Claimants. As Lord Justice McCombe explained:

> '*In my judgment, it is entirely clear that the case presented by DCS Cook to the CPS* [Crown Prosecution Service] *was not a "proper" one, nor was it "fit to be tried". It included (and relied strongly upon) evidence, on the judge's finding, procured by DCS Cook's own acts which were intended by him to pervert the course of justice. There is*

656 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p19, para 58.
657 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p19, para 56.
658 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p19, para 57.
659 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p19, para 57.
660 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p47, para 179, 17 February 2017.

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no evidence that he gave any thought to the question whether there was a fit or proper case to be laid before the court absent that tainted evidence. In such circumstances, I cannot see that DCS Cook could be found to have honestly believed that there was a "proper" case to lay before a court.'[661]

410. The Court of Appeal profoundly disagreed with Mr Justice Mitting's reasoning and held that former DCS David Cook was '*malicious*' in what he did.[662] It was the only point on which all three judges felt it necessary to give judgment individually. Lord Justice McCombe stated:

'*Can it be the law, as assumed by the judge, that because a prosecutor believes a person is guilty of an offence, he prosecutes that person without malice (in the sense of dishonesty), even if the case which he presents to prove guilt is heavily reliant on the evidence of a witness which he has procured by subornation amounting to a criminal intention to pervert justice? In my judgment, that is not the law. Before probing the matter more, I would hold that bringing a prosecution in that manner is not "bringing a criminal to justice" at all.*'[663]

411. Lady Justice King used a Robin Hood analogy to explain why former DCS David Cook's motives were irrelevant:

'*To say that DCS Cook, a prosecutor guilty of perverting the course of justice by creating false evidence against the appellants, was, on account of his belief in their guilt, not acting maliciously, is rather like saying that Robin Hood was not guilty of theft. One understands the motivation in each case, but any seeming endorsement of such dishonest behaviour, particularly within the police force, leads as McCombe LJ puts it, to a (serious and unacceptable) "negation of the rule of law".*'[664]

412. Finally, on the same point Lord Justice Coulson observed:

'*It would be contrary to basic principle to find, as the judge did, that a senior policeman can pervert the course of justice to create false evidence against the appellants, but not be guilty of malice simply because he personally believed them to be guilty of Daniel Morgan's murder. That would amount to an endorsement of DCS Cook's criminal conduct and his view that the ends justified the means, which I emphatically reject.*'[665]

9.2 Misfeasance in public office

413. Mr Justice Mitting had found for Jonathan Rees, Glenn Vian and Garry Vian on all of the elements of misfeasance in public office, save for causing their loss. As mentioned above, Mr Justice Mitting came to this conclusion because it was his view that '*prosecuting counsel and the CPS* [Crown Prosecution Service] *would have decided to prosecute Rees and Glenn and Garry Vian on the basis of the evidence available when they were charged other than that of Eaton*'.[666]

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661 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p23, para 75.
662 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p26, para 84.
663 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p26, para 81.
664 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p31, para 108.
665 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p31, para 110.
666 Rees & Ors v Commissioner of Police for the Metropolis [2017] EWHC 273 (QB), MPS109702001, p51, para 192, 17 February 2017.

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414. The Court of Appeal again disagreed with Mr Justice Mitting and found that former DCS David Cook's actions did cause Jonathan Rees, Glenn Vian and Garry Vian loss. Lord Justice McCombe explained:

> '*I find that it is inconceivable that any properly informed prosecutor, or counsel advising him or her, would have countenanced the preferring of charges on the relevant date based, as these were, on the report of an SIO* [Senior Investigating Officer] *who had procured a significant plank of the proposed Crown case by committing the crime which the judge held that DCS Cook had committed. Such a prosecutor would, I am convinced, have wanted DCS Cook, and any influence deriving from him, to be cleared from the scene and a fresh untainted assessment made of the remaining evidence before considering again whether a prosecution should be brought*.'[667]

415. The Court of Appeal also noted that once Gary Eaton's evidence was removed from the equation, '*the prosecutor would have noted that much of the remaining evidence had previously been rejected as giving sufficient ground for a prosecution and that some of the other evidence later obtained had come from witnesses of highly doubtful credibility*.'[668]

416. The Court of Appeal therefore unanimously allowed the Claimant's appeals for both malicious prosecution and misfeasance in public office.[669]

417. A hearing to assess the damages to be paid was held on 15 and 16 May 2019, presided over by Mrs Justice Cheema-Grubb. Jonathan Rees, Garry Vian and Glenn Vian were awarded damages for their loss on 31 July 2019. Jonathan Rees and Glenn Vian received £155,000[670] each and Garry Vian, who had been held in prison for a shorter period, received £104,000.[671] These awards included a payment of £18,000 each in exemplary damages, which was awarded to '*highlight and condemn the egregious and shameful behaviour of a senior and experienced officer DCS Cook*'.[672]

10 Operation Edison 2015-2020

418. In July 2014, the Metropolitan Police became aware that former DCS David Cook had in his possession material belonging to the Metropolitan Police which he should not have had.[673]

419. There were, at this time, three ongoing investigations into former DCS David Cook:

i. Operation Longhorn, the investigation by the Independent Police Complaints Commission into the supply of confidential and secret material to the journalist Michael Sullivan (see section 4 above).[674] As part of this investigation, material had previously been seized during a search of former DCS Cook's home address in January 2012 (see paragraph 130 above).[675]

667 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p29, para 97.
668 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p29, para 98.
669 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, pp30-31, paras 104, 105 and 109.
670 Rees & Ors v Commissioner of Police for the Metropolis [2019] EWHC 2120 (Admin), p12, para 54.
671 Rees & Ors v Commissioner of Police for the Metropolis [2019] EWHC 2120 (Admin), p12, para 55.
672 Rees & Ors v Commissioner of Police for the Metropolis [2019] EWHC 2120 (Admin), p12, para 53.
673 Edison Report, EDN002248001, p2, paras 3-4, June 2019.
674 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp3-4, paras 1-4, September 2014.
675 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p5, paras 7-8, September 2014.

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ii. The BBC *Panorama* Investigation, which was then being conducted by the Metropolitan Police, but which was transferred to the Independent Police Complaints Commission on 08 January 2015.[676] This was an investigation into allegations that former DCS Cook had disclosed material, held by the Abelard Two Investigation into the murder of Daniel Morgan, to the BBC[677] (see section 6 above).

iii. Operation Megan, the Metropolitan Police Investigation into some of the allegations made by Jonathan Rees, and criticisms of former DCS Cook made by Mr Justice Maddison at the pre-trial hearings in the case of R v Jonathan Rees and others, which culminated in the acquittal of the five Defendants by March 2011[678]. The Independent Police Complaints Commission had provided Operation Megan with 620 emails and 5,846 pages of documents covering the period between 23 August 2006 and 07 September 2011.[679] These documents were analysed, and a report was submitted on 31 July 2014.[680]

420. Three months later, on 04 November 2014, the Metropolitan Police obtained a search warrant and Operation Megan investigators searched former DCS David Cook's home address.[681] During this search, 43 exhibits were seized, including a large number of electronic storage devices including laptops, memory sticks and mobile telephones.[682] Some of this material belonged to members of former DCS Cook's family. The material within these seized exhibits has been described as being 'extensive'.[683] The Crown Prosecution Service Investigative Advice (see section 10.5 below) describes it as follows: '*It is estimated that if printed on to A4 paper, the contents would be the height of 2 Eiffel towers*.'[684]

421. The Panel was aware of the search of former DCS David Cook's home and of the fact that a criminal investigation had commenced. However, it was not until November 2016 that it became aware that material seized during the search included some relating to the murder of Daniel Morgan.[685]

422. In August 2017, the Metropolitan Police advised the Panel that the electronic devices had been subjected to forensic examination. Many were assessed as containing personal documentation and data relating to former DCS David Cook and members of his family. However, several were found to contain what was described as '*enormous*' and '*massive*'[686] amounts of law enforcement-related information. Two exhibits were assessed to be of particular note: a hard drive concealed in a recess in former DCS Cook's guest bathroom, and a MacBook Pro laptop.[687] Investigators also gained access to former DCS Cook's Metropolitan Police, Serious Organised Crime Agency and Yahoo email accounts, which contained in excess of 20,000 emails.[688]

676 Operation Megan Report, MPS109687001, p15, para 7.16, undated.
677 '*Investigation into complaint made by William J. Rees*', IPC001411001, p4, para 1, 14 December 2016.
678 Operation Megan Report, MPS109687001, p1, paras 1.2-1.7, undated.
679 Report of a Detective Constable on Operation Megan, MPS109840001, p1, 31 July 2014.
680 Report of a Detective Constable on Operation Megan, MPS109840001, p19, 31 July 2014.
681 Edison Report, EDN002248001, p1, para 1, June 2019.
682 Witness Statement of a Detective Sergeant, MPS1097130001, pp242-243, 05 November 2014.
683 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, para 1.7, p2, 04 February 2020.
684 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, para 1.7, p2, 04 February 2020.
685 Email from DS Gary Dalby to the Panel, 09 November 2016.
686 Operation Edison material held by the Metropolitan Police Directorate of Professional Standards, PNL000267001, p1, para 1, 10 September 2017.
687 Briefing note on Operation Megan Report, Metropolitan Police Service Directorate of Professionalism, MPS109907001, p1, 26 January 2015.
688 Briefing note on Operation Megan Report, Metropolitan Police Service Directorate of Professionalism, MPS109907001, p1, 26 January 2015.

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423. Interrogation of the electronic devices and email accounts owned by former DCS David Cook showed that he had retained copies of material and correspondence relating to many of the investigations he had managed during his time as a Senior Investigating Officer. This material was varied, and included reports, intelligence logs, case papers, research and analysis documents, and email correspondence. The recovered documentation varied in its classification, from open source material which is freely available to the public, to highly sensitive 'Secret' documents.[689]

424. The material seized indicated that former DCS David Cook used several email addresses, and different telephone numbers on occasion.

425. The Metropolitan Police established which databases, of the material seized, could be accessed, as some could not be viewed, and started to identify material which might be classed as legally privileged.

426. The investigation in relation to this matter was transferred to a new investigation called Operation Edison by AC Martin Hewitt in January 2015.[690]

427. In January 2015, after some material subject to legal professional privilege, (such as correspondence between former DCS Cook and his legal advisors), had already been identified, independent legal counsel were appointed to examine the material and remove anything which was subject to legal professional privilege.[691] This process took 13 months.[692] There followed a period of over two years during which there was some examination of the material recovered, followed by a review of the strategy for the examination of the electronic exhibits which had been recovered. In May 2017, examination of the exhibits resumed.[693] The Terms of Reference of the Examination Officer were as follows:

> *'Phase 1 Triage*
>
> 1. *Index Mr Cook's exhibits and establish which items do and do not contain law enforcement material.*
>
> a. *Compile report for authority to return non-evidential items*
>
> b. *Return exhibits that do not require examination.*
>
> *Phase 2 Overview*
>
> 2. *Provide a brief overview of the contents of each exhibit, e.g.*
>
> a. *Size of exhibit*
>
> b. *Breakdown of the contents, i.e.*
>
> i. *500 word docs*
>
> ii. *200 images*

689 Briefing note on Operation Megan Report, Metropolitan Police Service Directorate of Professionalism, MPS109907001, p1, 26 January 2015
690 Decisions 99 and 100 SIO Decision Log, MPS109904001, pp5-6, 20 January 2015.
691 Edison Report, EDN002248001, p2, para 5, June 2019.
692 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p2, para 1.9, 04 February 2020.
693 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p2, para 1.10, 04 February 2020.

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iii. 1,000 emails.

Phase 3 – Daniel Morgan Murder material to be collated

3. *Identify which exhibits contain folders and material relevant to DMIP.*
   a. *Isolate those elements*
   b. *Index where possible*
   c. *Compile an update report with attached index*
   d. *Following 2 IPCC investigations DPS Gold Group have directed that these items are not for further investigation*
   e. *Provide DMIP with copy of index*

Phase 4 – Investigate the contents of remaining law enforcement material

4. *Examine the contents of the exhibits owned by Mr Cook to establish if criminal offences have been committed by his possession or unlawful dissemination of this data.*
   a. *Identify topic or investigation headings*
   b. *Catalogue the material contained within the exhibits*
   c. *Examine emails and other communication to establish what, if anything, has been passed to persons not authorised to possess*
   d. *Compile report for consideration of criminal charges.'*[694]

428. A copy of the Examining Officer's Terms of Reference was not received by the Panel until July 2019. The effect of the Terms of Reference was to exclude any consideration of from where former DCS David Cook acquired the materials. Moreover, they precluded the inclusion, in the index for the Panel, of materials relating to the two investigations which had been conducted by the Independent Police Complaints Commission. Items excluded as a consequence of this direction may or may not have been considered by the Independent Police Complaints Commission. They should have been included in the index prepared for the Panel.

429. In September 2017, the Panel was advised that the examination of the exhibits was still ongoing and that the Metropolitan Police had one member of staff working two 12-hour shifts a week examining them.[695]

430. The Panel was granted initial access to some of the schedules of material which had been prepared by the Metropolitan Police on 30 January 2018, and the review of the schedules began. The process through which the Panel's researchers were able to examine the content

694 Examination Officer Terms of Reference, May 2017.
695 Operation Edison material held by the Metropolitan Police DPS, PNL000267001, p3, para 9, 10 September 2017.

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of some of the exhibits was difficult, slow and cumbersome. It was important to the Panel to establish whether there was any material relevant to the murder of Daniel Morgan which had not previously been made available to the Panel. When the Panel was given access to the schedules of exhibits created by the Metropolitan Police, two Panel researchers spent up to three days a week at Metropolitan Police premises working collectively or individually as necessary. The progress was significantly slower than the Panel wanted as the terminal was shared and used by the Examination Officer two days a week and used by Panel researchers for the remaining three days. Only this terminal had the required specific software for searching the relevant databases.

431. During the period from November 2014 to January 2018, the Panel was unable to access material relevant to its work. The Panel is aware of the resource constraints within which the Metropolitan Police operates, nevertheless a delay of over three years in providing access even to the schedules to this material was totally unsatisfactory for the Panel.

432. The material which former DCS David Cook had been able to abstract from confidential and secret policing files was very significant, and there is no evidence of any consideration of how to improve processes designed to ensure the security of such material in the organisations from which former DCS Cook had taken the material.

433. The Panel had to use the Metropolitan Police assessment of the material as a starting point and focussed on nine exhibits identified as holding police-related material.[696] On 16 February 2018, the mass storage device on which the Edison data was held suffered a hardware failure, causing a cessation of all work. The review was expected to restart on 05 March 2018, but the Metropolitan Police raised concerns that there might be further material subject to Legal Professional Privilege within the exhibits. No further work was able to be done on the Edison material by the Panel's researchers until 27 March 2018.

434. A Panel researcher looking through material found that 81 emails had been marked not for disclosure to the Panel. On enquiry, the Panel was told the material had been mislabelled and was covered by Legal Professional Privilege.

435. The Panel has only had access to limited material from the whole data set, and it is aware that there is much more material available to the Metropolitan Police than it has seen. When Edison documents were identified as relevant by the Panel's researchers, they were notified to DS Gary Dalby who reviewed each document to determine whether it was material subject to Legal Professional Privilege, in which case it was withheld from the Panel, and whether it was 'confidential'. Where material was considered 'confidential', it was subject to limited viewing only at police premises. Other material was made available in tranches for uploading onto the Panel's database. The last tranche was received in February 2019.[697]

696 Witness Statement of a Detective Sergeant, MPS1097130001, pp242-243, 05 November 2014 [ASM/1, ASM/2, ASM/4, ASM/12, ASM/20, ASM/24, ASM/29, ASM/40 and ASM/42].

697 Review of Operation Edison disclosure to DMIP – Tranche 7, EDN002074001, pp1-2, 30 January 2019.

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436. Eight electronic devices were assessed by the Operation Edison investigation as containing law enforcement-related material, which originated from both the Metropolitan Police and the Serious Organised Crime Agency.

437. Several of the electronic devices were found to contain files directly relevant to the investigations into the murder of Daniel Morgan. The Metropolitan Police report on the investigation states that, '[t]*here are many thousands of documents and it is likely that most of the documentation relating to several investigations is present. Some email communications relevant to the various enquiries have also been retained.*'[698]

438. Documents relating to the investigation of the murder of Daniel Morgan which were disclosed unlawfully by former DCS David Cook to various people have been identified by the Panel as including:

i. Many witness statements dating from 1987;[699]

ii. Details of witnesses and suspects;[700]

iii. Debrief reports containing intelligence naming individuals;[701,702]

iv. Intelligence reports;[703]

v. An interim report on Operation Two Bridges;[704]

vi. A spreadsheet summarising 200 audio probe recordings from Operation Two Bridges;[705]

vii. Gold Group meeting minutes marked 'Confidential';[706]

viii. Surveillance logs;[707]

ix. Extensive quantities of material from the Abelard Two Investigation;[708]

x. Material relating to other police operations which derived from the investigation of Daniel Morgan's murder;[709]

xi. More than 50 draft chapters of the book that former DCS was writing about the investigation,[710] some of which contained police material which should not have been divulged;[711]

698 Edison Report, EDN002248001, p4, para 18, June 2019.
699 Operation Edison Appendix B review of emails and attachments, EDN002279001, p.4, 04 April 2010.
700 Operation Edison Appendix B review of emails and attachments, EDN002279001, p.1, 13 October 2009.
701 Edison Report, EDN002248001, p13, para 65, June 2019.
702 Operation Edison Appendix B review of emails and attachments, EDN002279001, p.6, 04 August 2010.
703 Edison Report, EDN002248001, p14, para 75, June 2019.
704 Edison Report, EDN002248001, p11, para 57, June 2019.
705 Edison Report, EDN002248001, p7, para 38, June 2019.
706 Edison Report, EDN002248001, p6, para 33, June 2019.
707 Edison Report, EDN002248001, p8, para 40, June 2019.
708 Operation Edison Appendix B review of emails and attachments, EDN002279001, various dates.
709 Edison Report, EDN002248001, p4, para 17, June 2019.
710 Operation Edison material held by the Metropolitan Police DPS, PNL000267001, p2, para 5iv, 10 September 2017.
711 Email from former DCS David Cook to Mike Sullivan, EDN002064001, 05 November 2006.

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xii. Emails exchanges with members of the family of Daniel Morgan and others, including journalists, concerning matters relating to the investigation.[712] One hard drive alone was found to contain 15,797 emails;[713] and

xiii. A strictly confidential letter to the editor of *The Guardian* newspaper in relation to the activities of two journalists.[714]

439. The material disclosed to the Panel confirms that former DCS David Cook was in email contact with a number of journalists including Glen Campbell,[715] Peter Jukes[716] (an independent investigative journalist and an associate of Daniel Morgan's brother, Alastair Morgan, with whom he has produced both a very detailed multi-part podcast and a book on the murder of Daniel Morgan), Laurie Flynn,[717] Michael Sullivan,[718] and Bob Graham.[719] He was also in contact with former AC Robert Quick,[720] Alastair Morgan[721] and Alastair Morgan's solicitor.[722]

440. The material also indicates that, in addition to his plan to write a book on the murder of Daniel Morgan and police corruption, former DCS David Cook was very much interested in the issue of corruption involving police officers, private investigators and journalists, particularly after he had been subjected to surveillance over three days by *News of the World* journalists in 2002. During this time, his post had also been interfered with,[723] private information belonging to DCS Cook and his then wife, Jacqui Hames, had been unlawfully obtained from the Metropolitan Police by a private investigator working for the *News of the World*,[724] an attempt had been made to acquire other material about DCS Cook from Surrey Police,[725] and he had suffered attempts to discredit him (see Chapter 6, Abelard One/Morgan Two). The material available to the Panel indicates that these attempts to discredit former DCS Cook were probably made by former DS Sidney Fillery, who was running Law & Commercial in 2002 at a time when Jonathan Rees was serving a sentence of imprisonment,[726] and Alex Marunchak of the *News of the World*.

441. Between July 2011 and November 2012, the Leveson Inquiry into the culture, practice and ethics of the press was conducted. There were also investigations arising from allegations of phone and computer hacking, and various high-profile prosecutions ensued, including those of Rebekah Brooks (to whom former DCS Cook had spoken about the surveillance on him by the *News of the World* in December 2002, (see Chapter 6, Abelard One/Morgan Two) and Andy Coulson of News International, on charges of conspiracy to hack voicemails, conspiracy to pay public officials and conspiracy to pervert the course of justice.[727] In all, eight journalists and one private investigator were convicted of criminal offences including:

712 Edison Report, EDN002248001, p5, paras 23-24, June 2019.
713 Operation Edison material held by the Metropolitan Police DPS, PNL000267001, p2, para 5ii, 10 September 2017.
714 Edison Report, EDN002248001, pp6-7, paras 35-38, June 2019.
715 Edison Report, EDN002248001, p4, para 22, June 2019.
716 Edison Report, EDN002248001, p4, para 22, June 2019.
717 Email from former DCS David Cook to Laurie Flynn, EDN001741001, p1, 15 June 2014.
718 Edison Report, EDN002248001, p4, para 22, June 2019.
719 Edison Report, EDN002248001, p4, para 22, June 2019.
720 Edison Report, EDN002248001, p5, para 23, June 2019.
721 Edison Report, EDN002248001, p5, para 23, June 2019.
722 Email from former DCS David Cook to Raju Bhatt, EDN001688001, pp1-2, 07 August 2014.
723 Operation Tuleta Report by DS Gary Dalby, MPS102164001, p4, 02 December 2011.
724 Operation Tuleta Report by DS Gary Dalby, MPS102164001, p3, 02 December 2011.
725 Email from Surrey Police payroll officer, MPS102164001, p52, 08 July 2002.
726 Police National Computer printout in respect of Jonathan Rees, MPS004001001, p3, 14 July 2009.
727 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p3 para 1.14, 04 February 2020.

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i. Andy Coulson, former *News of the World* editor;

ii. Ian Edmondson, former *News of the World* news editor;

iii. Jules Stenson, former *News of the World* features editor;

iv. Greg Miskew, former *News of the World* news editor;

v. Neville Thurlbeck, former *News of the World* news editor and chief reporter;

vi. James Weatherup, former news editor at the *News of the World*;

vii. Dan Evans, a journalist at the *News of the World* and at the *Sunday Mirror*;

viii. Graham Johnson, former *Sunday Mirror* journalist; and

ix. Glenn Mulcaire, private investigator used by the *News of the World*.

Rebekah Brooks was acquitted.[728]

442. Former DCS David Cook was interested in contributing to various television programmes on these issues. The evidence shows that he had been collecting police and other criminal investigation material over many years to facilitate both the book which he intended to write and other associated activities.

443. DCI Tony O'Sullivan was appointed as the Senior Investigating Officer of Operation Edison on 03 January 2017, after having served as Investigating Officer on the Operation since 23 January 2015.

444. The Report on Operation Edison does not set out its Terms of Reference. The objectives of the investigation were explained to the Panel as being:

i. To identify what material former DCS Cook had possession of, and why he had it;

ii. To identify how he obtained possession of it and from whom;

iii. To ascertain if he obtained any data from serving police officers or police staff after he had left the Metropolitan Police and/or Serious Organised Crime Agency; and

iv. To identify any disciplinary or criminal offences committed by former DCS Cook and others.[729]

445. However, on 10 March 2021, the Panel was provided, a year after requesting it, with the Decision Log for Operation Edison which included an email dated 03 November 2017. It records that the terms of reference agreed on 15 June 2015 were:

i. '*To lawfully collate all relevant Operation Megan electronic exhibits and prepare for examination.*

ii. *To examine the electronic exhibits in a systematic manner to identify current or historic evidence of criminal or disciplinary conduct. This will take place at a secure site once any LPP material has been removed in accordance with legal advice.*

728 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p24, para 4.55, 04 February 2020.
729 Operation Edison material held by the Metropolitan Police DPS, PNL000267001, p2, para 6, 10 September 2017.

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iii. *Should examination of the material seized suggest current corruption or other criminal offences involving DC or any law enforcement personnel connected to him, to identify and assess opportunities for a covert investigation led by the Projects Team.*

iv. *Should examination of the material seized suggest historic corruption or other criminal offences involving DC or any law enforcement personnel connected to him, to identify the most appropriate authority or team to investigate.*

v. *Liaise with other law enforcement agencies as appropriate.*

vi. *To identify if sensitive intelligence has been exposed and establish if there is a risk to public safety or the safety of police personnel or other reputational risk to the MPS or other law enforcement partners.*

vii. *To comply with CPIA legislation and access requests from other investigative units to view or use evidence held by Operation Megan / Edison in a controlled, transparent and documented manner.*'[730]

446. DCI Tony O'Sullivan reported to the Crown Prosecution Service only on disclosures made by former DCS David Cook during the period from 10 January 2012 to 04 November 2014, this being the period agreed on 20 January 2017 by the Operation Edison Gold Group led by AC Fiona Taylor.[731] Operation Edison identified 56 emails described as being relevant. The Metropolitan Police state that every email generated between former DCS Cook and others including journalists Glen Campbell, Peter Jukes, Michael Sullivan, and Bob Graham, former AC Robert Quick, Alastair Morgan, and Alastair Morgan's solicitor were extracted and provided to the Crown Prosecution Service for review, many pre-dating the 10 January 2012 to 04 November 2014 period.[732] The Crown Prosecution Service was also provided with the 620 emails and 5,846 pages of attachments[733] referred to above (see paragraph 278).[734] However, in January 2021, DCI Tony O'Sullivan informed the Panel that, due to an oversight brought to his attention by the Panel, it became apparent that the Metropolitan Police had not provided the Crown Prosecution Service with all of DCS David Cook's email communications with Alastair Morgan and his solicitor, Raju Bhatt. Once this error was realised, the Crown Prosecution Service were provided with this documentation and a further copy of the Edison advice was prepared.

447. DCI Tony O'Sullivan explained to the Panel that the 56 emails were selected as emails containing evidence of material shared without lawful authority and/or conversations relating to the sharing of material, sent to identified recipients. The explanation from DCI Tony O'Sullivan as to why these particular emails were selected, does not explain why nothing was done to investigate apparent dissemination of other material to third parties such as the investigation file in the case of the murder in 1974 of the nanny who was employed to look after Lord and Lady Lucan's children. Parts of this file were in an email sent by former DCS Cook to a third party in October 2013.[735]

730 Edison Decision Log EDN002293001 pp1-3, 03 November 2017
731 Letter from DCI Tony O'Sullivan to Daniel Morgan Independent Panel, p2, 04 August 2020.
732 Letter from DCI Tony O'Sullivan to Daniel Morgan Independent Panel, p3, 04 August 2020.
733 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p24, para 5.4, 04 February 2020.
734 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p5, para 7, September 2014.
735 Investigative advice of Senior Specialist Prosecutor Michael Gregory, Appendix F EDN002283001, pp16-17.

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448. A report to the Crown Prosecution Service was prepared by DCI Tony O'Sullivan. It referred only to the possibility of offences having been committed under the Data Protection Act 1998 and identified only one suspect: former DCS David Cook. In preparing his report, DCI O'Sullivan considered the outcome of two of the other three investigations into former DCS Cook. The third investigation, Operation Megan, was not relevant to the matters under consideration by DCI O'Sullivan:

i. The Independent Police Complaints Commission's Operation Longhorn Investigation into former DCS Cook's unauthorised disclosure of information to Michael Sullivan which had concluded in September 2015, and in which the Specialist Prosecutor had concluded that he was satisfied that he had sufficient information to assess the broad extent of the criminality of former DCS Cook; that it was unlikely that there would be sufficient evidence for a realistic prospect of conviction in relation to an offence of misconduct in public office, and in addition there were potential statutory defences available to former DCS Cook for an offence under the Data Protection Act 1998.[736]

ii. The Independent Police Complaints Commission's investigation of Jonathan Rees's complaint that former DCS Cook had provided transcripts, invoices and a video belonging to him to BBC's *Panorama* programme. It had been determined in 2017 that no criminal offences had been identified,[737] which was not consistent with the finding of the Independent Police Complaints Commission's investigator that there was evidence showing unauthorised disclosure of personal data to *Panorama*, which is an offence under section 55 of the Data Protection Act 1998, and of misconduct in a public office. The matter had not been referred to the Director of Public Prosecutions.[738]

449. Significant criticism is made in this Report of the decisions in both Operation Longhorn and the BBC *Panorama* complaint (see sections 4 and 6 above).

450. The Panel received the Operation Edison Report to the Crown Prosecution Service in July 2019, a month after it had been submitted. The Panel was not given access to the investigation papers or any Gold Group papers from Operation Edison until March 2021 when it received only the Decision Log, a year after it had first been requested and after a number of reminders had been sent. Much of the material examined in Operation Edison related to the murder of Daniel Morgan. The Metropolitan Police did not willingly or voluntarily provide the documentation as it should have done under the Panel's Terms of Reference.

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736 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p34, para 150, 11 September 2015.
737 Commission delegate decision regarding early referral to the Director of Public Prosecutions, p10, 03 January 2017.
738 Commission delegate decision regarding early referral to the Director of Public Prosecutions, p10, 03 January 2017.

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451. There is no evidence in the material available to the Panel of any attempt to identify how former DCS David Cook had acquired the material found in his home in 2014, nor of any attempt to ascertain if he had obtained any data from serving police officers or police staff after he had left the Metropolitan Police in 2007, and the Serious Organised Crime Agency in 2013. No witnesses were cited as providing evidence in the Report to the Crown Prosecution Service.

452. Former DCS David Cook was not interviewed**.** He had previously been questioned on 10 January 2012, under caution, during Operation Longhorn, regarding the offences for which he had been arrested and matters relating to Gary Eaton. It was a '*no comment*' interview.[739] He had subsequently provided responses to a series of questionnaires from the Independent Police Complaints Commission through three prepared statements and had adopted the three statements which he had provided, during an interview under caution with the Independent Police Complaints Commission on 08 November 2012.[740]

453. Former DCS David Cook had been interviewed under caution on 16 June 2016 in relation to the unauthorised disclosures to *Panorama*. He declined to answer any questions and did not provide a written response.[741] He was not interviewed by the Operation Megan Investigation. He had been interviewed by the Megan Two Investigation[742] on 11 July 2017 for 42 minutes and 12 seconds.[743] He produced a 50-page prepared statement[744] and answered some of the questions which were put to him.

454. Senior Specialist Prosecutor, Michael Gregory, recorded that the Operation Edison Investigation was of the opinion that former DCS David Cook had been asked the relevant questions by the Independent Police Complaints Commission investigators conducting the Operation Longhorn Investigation.[745] However, DCI Tony O'Sullivan as Senior Investigating Officer of Operation Edison, was required to identify how former DCS Cook obtained possession of material which was significantly greater in volume than the 54 emails and attachments considered during Operation Longhorn, and which contained documents which had not been considered in Operation Longhorn. Former DCS Cook had continued to access and to disclose documents after his arrest in 2012. In addition to this, it was six years since the interview of former DCS Cook in Operation Longhorn and Operation Edison was considering the unauthorised disclosure of documents which had not been available to the Operation Longhorn Investigation.

739 Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office, IPC001370001, paras 7 and 10, p5 and p6, September 2014.
740 Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office, IPC001370001, para 11, p6, September 2014.
741 '*Investigation into complaint made by William J. Rees*', IPC001411001, pp11-12, para 71, 14 December 2016.
742 This investigation resulted from comments made about former DCS Cook by Mr Justice Mitting, in a civil claim against the Metropolitan Police by Jonathan Rees, former Ds Sidney Fillery, Glenn Vian and Garry Vian at the High Court in February 2017, that former DCS Cook had done an act tending and intended to pervert the course of justice by breaching the sterile corridor and prompting an Assisted Offender, Gary Eaton**,** to implicate Glenn Vian and Garry Vian in the murder of Daniel Morgan, and concealing the fact that he had done so from the Crown Prosecution Service and Prosecution Counsel.
743 Record of Interview with David Cook, MPS109901001, 11 July 2017.
744 Redacted Copy of Prepared Statement of David Cook, MPS109752001, 11 July 2017.
745 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p3, para 1.15, 04 February 2020.

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455. As stated above, the Panel received the Operation Edison Decision on 10 March 2021. It was established that a decision to interview former DCS David Cook had been made on 01 March 2019 by DCI Tony O'Sullivan. Three weeks later, a further decision was made to approach a specialist interviewer to assist with the interview. [746] However, on 11 June 2019, it was recorded, after a meeting with the interviewer and consultation with Independent Office for Police Conduct, that an interview would be unlikely to result in any evidence, and therefore former DCS Cook would not be interviewed. [747]

456. **Former DCS Cook should have been interviewed, and he should have been asked about the issues identified during Operation Edison. His unauthorised disclosure of very sensitive material to a range of people over the period from 2006 had, and has, the potential to undermine any future prosecution of those who murdered Daniel Morgan, and to cause significant risk to many of those identified in the material disclosed.**

457. Senior Specialist Prosecutor Michael Gregory was tasked by the Crown Prosecution Service to advise on the Operation Edison Investigation file at the beginning of August 2019, and he met DCI Tony O'Sullivan on 02 September 2019.[748] Michael Gregory states, that on 16 September 2019, he received the report from DCI O'Sullivan.[749] Michael Gregory described DCI O'Sullivan's request for advice as follows:

> '*in light of the* [Crown Prosecution Service] *decision in Operation Longhorn and the* [Independent Police Complaints Commission] *(as then) decision in the Panorama Investigation, on the material gathered, is the decision for the Investigation likely to be the same as in Operation Longhorn – that it is not in the public interest to prosecute David Cook for any criminal offence in relation to the disclosure of material.*'[750]

458. The Operation Edison report stated that DCS David Cook had been seconded to the Serious Organised Crime Agency in 2006, that he later became a permanent employee of the Serious Organised Crime Agency in a senior management role and continued to act as Senior Investigating Officer for the Abelard Two Investigation.[751]

459. This information is both incomplete and incorrect. DCS David Cook had been on secondment from April 2003 to HM Customs and Excise and from April 2006 to the Serious Organised Crime Agency. When he left the Metropolitan Police on 07 December 2007, he did not continue to be Senior Investigating Officer, although he described himself as such and was accepted as such by many Metropolitan Police colleagues, including the most senior officers. The arrangement between the Serious Organised Crime Agency and the Metropolitan Police was that former DCS Cook would act as a '*consultant*' to the investigation but that his powers would be limited (see Chapter 8, The Abelard Two Investigation).

746 Tier 5 interviewer
747 Edison Decision Log EDN002293001
748 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p3, para 1.11, 04 February 2020.
749 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p3, para 1.11, 04 February 2020.
750 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p4, para 1.17, 04 February 2020.
751 Edison Report, EDN002248001, p2, para 8, June 2019.

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460. The report stated that the data recovered included:

> '*material present that originates from major crime investigations conducted in the mid-1990s during his work with Surrey Police, including many murder enquiries and high profile* [sic] *investigations, through to his leadership of Operation Morgan II (Daniel Morgan murder enquiry) from 2001-2002, his work with SCD1 Homicide (2003-2005) and the further investigation of Operation Abelard 2 from 2006 until2011 and beyond.*'[752]

461. In fact, DCS David Cook worked on '*Operation Morgan*' (Abelard One/Morgan Two) from 2002-2003 and was on secondment from April 2003 to HM Customs and Excise as a Senior Liaison Officer and was not working in 'SCD1 Homicide'.

462. The report commented on the fact that former DCS David Cook is '*particularly organised and very proficient in the use of computers as a means to store material and communicate.*'[753]

463. The report recorded disclosure of material to a range of associates of former DCS David Cook. It identifies three journalists with whom, it states, former DCS Cook had '*a particularly close association*' Glen Campbell, Peter Jukes and Michael Sullivan.[754] It notes '*to a lesser degree*' that communications were also present with another journalist, Bob Graham.[755]

464. The Operation Edison report set out former DCS David Cook's disclosure of material to a range of third parties, noting to a '*lesser degree*' with a journalist, Bob Graham. However, although communication with Bob Graham was much less frequent than communication with others, it is notable that at least one document comprising 259 pages and prepared for Defence counsel in the Abelard Two prosecution, in relation to a witness, which was marked as 'sensitive' and contained personal data and significant information about named individuals was sent to him in 2010.

465. In addition to this, the report notes that former DCS David Cook was in contact with former AC Robert Quick,[756] who had commanded the Metropolitan Police anti-corruption unit, and who subsequently became Chief Constable of Surrey Police and later returned to the Metropolitan Police and became an Assistant Commissioner.[757] Former AC Quick had retired from the Metropolitan Police, after being photographed with a document which was marked '*Secret*' when he was going into an official meeting at 10 Downing Street.

466. Former AC Robert Quick has stated that he was not supported by the Metropolitan Police during this very difficult period in his professional life. The Edison report records that he and former DCS David Cook, discussed '*their common grievances*' about lack of support for them

752 Edison Report, EDN002248001, para 16, p3, June 2019.
753 Edison Report, EDN002248001, para 15, p3, June 2019.
754 Edison Report, EDN002248001, p4, para 22, 3 June 2019.
755 Edison Report, EDN002248001, p4, para 22, 3 June 2019.
756 Edison Report, EDN002248001, para 23, p5, June 2019.
757 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p21, para 4.48, 04 February 2020.

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from the senior staff of the Metropolitan Police.[758] It states, '[t]here *are indications that restricted/ confidential documentation may have been passed to Mr Quick by email as a means of update him on facts relating to Mr Cook's position. Some material related to Mr Quick.*'[759] The report also stated that one of the documents sent to former AC Quick '*related to intelligence about Mr Quick.*'[760]

467. It is also reported that former DCS David Cook '*had developed a close link with Alistair* [sic] *MORGAN*' and '*there is extensive communication between them on various subjects*'.[761] The report deals with communication to other private individuals with whom he had no intention to profit in any way or at any time.

468. The report deals in detail with only some of the information which was disclosed to two journalists: Peter Jukes[762] and Glen Campbell.[763]

469. Early disclosures were made when former DCS Cook was still employed by the Serious Organised Crime Agency. He retired in July 2013.[764]

470. Former DCS David Cook retained sensitive information on his personal computer, conduct which itself could amount to the offence of misconduct in a public office. The offence would have been committed at the time that the material was stored on his computer. Depending on the information disclosed, he could also have committed an offence under section 8 of the Official Secrets Act 1989.[765] He could also, whether holding public office or not, be guilty of an offence contrary to section 55 of the Data Protection Act 1998.[766,767] None of these offences were considered by DCI Tony O'Sullivan in writing his report to the Crown Prosecution Service. In January 2021, DCI O'Sullivan said that his report '*was intended to provide an overview of the new evidence which had been obtained in order to initiate dialogue with the CPS* [Crown Prosecution Service] *at an early stage and to obtain advice on potential criminal charges in order to focus the enquiry and establish the viability of bringing a prosecution prior to interviewing David Cook and investing considerable resources in preparing a full prosecution file.*'

10.1 Peter Jukes

471. The report records that the earliest emails between former DCS David Cook and Peter Jukes were from December 2012 and involved discussions about public officials providing information in exchange for payments or otherwise.[768] It was reported that former DCS Cook disclosed information to Peter Jukes including:

i. Police material relating to an agreement reached between the Metropolitan Police and the Media Standards Committee of News International during the trial of journalists for phone hacking. The agreement involved the supply of journalistic material from News International to the Metropolitan Police. The Report indicates that although former DCS Cook did not have access to the documentation relating to the agreement on

758 Edison Report, EDN002248001, para 23, p5, June 2019.
759 Edison Report, EDN002248001, para24, p5, June 2019.
760 Edison Report, EDN002248001, para 73, p14, June 2019.
761 Edison Report, EDN002248001, para 23, p5, June 2019.
762 Edison Report, EDN002248001, paras 26-45, pp5-9, June 2019.
763 Edison Report, EDN002248001, paras 46-70, pp9-14, June 2019.
764 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p11, para 4.10, 04 February 2020.
765 Safeguarding Information – retaining a document contrary to his official duty.
766 unlawful obtaining of personal data.
767 This was subsequently replaced with section 170 of the Data Protection Act 2018.
768 Edison Report, EDN002248001, para 26, p5, June 2019.

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08 August 2013, he was aiming to get this.[769] By 05 October 2013, former DCS Cook had obtained possession of the documentation '*totally on the QT via a very circuitous route and I would not want the person who has control of it to know I have it.*'[770] An email from former DCS Cook to Peter Jukes read '*I am happy to let you read it but you must never quote from it or say you have seen it*'.[771] Many of the documents were protectively marked as 'confidential', including numerous Gold Group minutes, advice from Legal Counsel and Metropolitan Police Directorate of Legal Services attendance notes, much of which would have been the subject of legal professional privilege.[772] The Metropolitan Police concluded that there were no indications that the documents were obtained from a police source.[773]

However, it is noted that Michael Gregory, the Senior Specialist Prosecutor, concluded that these documents were part of material disclosed to the Defence in the trial of Rebekah Brooks. He concluded, in agreement with the Edison Investigation, that therefore there were no indications that this information was obtained by former DCS David Cook from a police source.[774] The Panel notes that many of the documents sent by former DCS Cook comprised material sent by the police to the Defence in other trials.

ii. A copy of a letter sent by Commander Andrew Hayman to the Editor of *The Guardian* newspaper relating to the activities of two journalists who might unintentionally have jeopardised the prosecution of Jonathan Rees and others for perverting the course of justice.[775] Ultimately, on 14 December 2000, Jonathan Rees, DC Austin Warnes and Simon James were convicted and Jonathan Rees and Simon James were sentenced to six years' imprisonment (seven years following appeal by the Attorney General); DC Austin Warnes was sentenced to four years (five years following appeal by the Attorney General)[776] (see Chapter 4, Operation Nigeria/Two Bridges).

iii. A spreadsheet summarising 200 audio probe recordings from Operation Two Bridges;[777] which was attached to an email which stated '[p]*lease treat this with discretion. The exact detail should not be copied but it will give some useful background* […] [p]*lease do not get Brown Moses to admit to having the documents* [sic].'[778] Brown Moses was another journalist.

769 Edison Report, EDN002248001, paras 29-30, p6, June 2019.
770 Edison Report, EDN002248001, para 32, p6, June 2019.
771 Edison Report Appendix D1, Email from former DCS David Cook to Peter Jukes, EDN002249001, p30, 05 October 2013.
772 Edison Report, EDN002248001, p6, para 33, June 2019.
773 Edison Report, EDN002248001, p6, para 33, June 2019.
774 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p35, para 5.35, 04 February 2020.
775 Edison Report, EDN002248001, paras 35-36, p7, June 2019.
776 '*Operation 'Two Bridges Closing Report*', MPS099294001, pp37-38 and p46, 20 July 2001. –
777 Edison Report, EDN002248001, para 38, p7, June 2019.
778 Edison Report, EDN002248001, para 38, p7, June 2019.

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iv. A series of police documents relating to the surveillance of DCS David Cook by the *News of the World* in 2002. They included information on the vehicles used during the surveillance, and on the occupants of the vehicles.[779] A separate email from former DCS Cook to Peter Jukes said, '[p]*lease confirm receipt of last and agreement on confidentiality*'.[780]

v. Other material not relevant to the investigation of the murder of Daniel Morgan relating to the activities of Mazher Mahmood, an investigative journalist who had on occasion disguised himself as the '*Fake Sheikh*'.[781]

10.2 Glen Campbell

472. Former DCS David Cook had known the journalist Glen Campbell, since the mid-1990s. In 2010, Glen Campbell began researching the murder of Daniel Morgan and the activities of Jonathan Rees.[782] Former DCS Cook had communication with Glen Campbell on these matters both before and after the acquittal, in 2011, of the Defendants in the prosecution of Jonathan Rees and Others for the murder of Daniel Morgan.[783] Glen Campbell was working for the BBC at this time and former DCS Cook was hoping that he could advise on a programme about phone-hacking as well as the *Panorama* programme which was shown on 14 March 2011. The report states that there is evidence of general communication and information disclosed to Glen Campbell in the form of attachments to emails which included:

i. material, the disclosure of which was investigated by the Independent Police Complaints Commission (the *Panorama* Investigation).

ii. information which derived in part from the Abelard One/Morgan Two Investigation, about the business relationship between Jonathan Rees, former DS Sidney Fillery and Alex Marunchak of the *News of the World*.[784] Rebekah Brooks, the former editor of the *News of the World* and later Chief Executive Officer of News International, had been acquitted of various offences in June 2014 and Glen Campbell was hoping to be involved in the making of a film by the BBC, and also to be a consultant in another production based on the book '*Dial M for Murdoch*'. The information suggests former DCS Cook hoped also to contribute to both productions. Discussions occurred about the purchase of computers to facilitate the work for the BBC[785] and, on 24 July 2014, former DCS Cook wrote to Glen Campbell in relation to material which he had supplied and a discussion which he had had with Glen Campbell. He said:

> *'Thanks for the discussion.*
>
> *Without being too obvious on the subject.*
>
> *I would be content if your colleague 'S' chose to work from whatever location suitable but the contents must not be downloaded onto any machine for security purposes*
>
> *The content must be used purely for the purpose in which it has been discussed*

779 Edison Report, EDN002248001, para 40, p8, June 2019.
780 Edison Report, EDN002248001, para 40, p8, June 2019.
781 Edison Report, EDN002248001, paras 41-44, pp8-9, June 2019.
782 Edison Report, EDN002248001, para 46, p9, June 2019.
783 Edison Report, EDN002248001, para 47, p9, June 2019.
784 Edison Report, EDN002248001, p10, June 2019.
785 Edison Report, EDN002248001, paras 59-60, p11, June 2019.

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It must not be shared or used as purchase for other information.

As discussed, this was not my intention initially with regards this but things have changed and a greater public interest issue has I must recognise forced me to re-consider.

I am concerned however that it is not used for the sake of using it and that a specific public interest issue must be both e [sic] *driver and the aim, but we have discussed that at length.*'[786]

He also provided a different email address from that previously used for contact, and also suggested that the '*organisation*' might wish to fund a Pay as you Go mobile which he could use, stating '*I simply do not wish to share my personal number which as discussed could lead to problems.*' Glen Campbell replied stating, '[g]*etting your mobile now..Hope! Send to your house.*'[787]

Ultimately the BBC decided that Glen Campbell could not contribute to the '*Dial M for Murdoch*' film project whilst working for them. Former DCS Cook provided to Glen Campbell the material in relation to Mazher Mahmood which he had also provided to Peter Jukes. Some of that information derived from material acquired during Operation Two Bridges and subsequently. At this time, the BBC were making the *Panorama* programme '*The Fake Sheikh*' based on the activities of Mazher Mahmood.[788] The evidence shows that police material, including an intelligence document sent by former DCS Cook to Glen Campbell was used in this programme which was broadcast on 12 November 2014.[789]

iii. On 16 October 2014, former DCS Cook sent Glen Campbell two emails one of which was entitled "Gulp" and was a debrief report from the Abelard Two Investigation containing intelligence details of individuals, and the second, entitled "Double Gulp" contained an intelligence report relating to Jonathan Rees.[790]

473. The Report concludes '[u]*nder Operation Megan financial enquiries established that there was no evidence of financial gain in relation to the disclosure of material to any party.*'[791]

474. The Report is a most unusual prosecution file. There is:

i. no attempt to present or assess any evidence in respect of any offence;

ii. no consideration of any specific offence other than reference on the cover page to the Data Protection Act 1998;

iii. no information to indicate that any attempt was made to interview the suspect, DCS David Cook, but rather a statement that, in the opinion of the reporting officer, this was not necessary;

iv. no attempt to identify or interview any of those to whom former DCS Cook supplied material;

786 Edison Report, EDN002248001, para 61, p12, June 2019.
787 Edison Report, EDN002248001, para 61, p12, June 2019.
788 Edison Report, EDN002248001, para 68, p13, June 2019.
789 Edison Report, EDN002248001, para 70, pp13-14, June 2019.
790 Edison Report, EDN002248001, paras 65-66, p13, June 2019.
791 Edison Report, EDN002248001, para 88, p16, June 2019.

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v. no report of any investigation of Metropolitan Police computer systems to track the passage of emails;

vi. no reference to the fact that other police officers (DS Gary Dalby and A/DCI Noel Beswick) were sending confidential material to DCS Cook on his personal email account, rather than his Serious Organised Crime Agency account or any other official email account, despite the fact that former DCS Cook had a Metropolitan Police email account as late as December 2010, and a Serious Organised Crime Agency email account until 2013;

vii. no identification of any witnesses, although DCI Tony O'Sullivan said in January 2021 that those to whom documentation was disclosed were potential witnesses;

viii. no complete attempt to classify in the Operation Edison Report the information which former DCS Cook distributed, other than the fact that some documents are described in one of the appendices as '*not restricted*';

ix. no examination of the circumstances in which former DCS Cook had wrongly disclosed to Alastair Morgan, for example, an email chain in September 2013 in which the informant status of several individuals is discussed, and, in another email to Alastair Morgan, had discussed the informant status of an individual not connected to the Daniel Morgan case;[792]

x. no examination of the fact that former DCS Cook was in contact with the solicitor for Alastair Morgan and, for example, that he (DCS Cook) sent to the solicitor an intelligence document dated 03 March 1999 which reveals the informant status of an individual. In another email to the solicitor dated 24 March 2014, a document entitled 'Briefing Note Sawyer' was attached.[793] This was a police document briefing a senior officer in the Metropolitan Police. At this stage, former DCS Cook was no longer employed by a public authority, but he was in possession of material belonging to the Metropolitan Police which should not have been disclosed;

xi. it does not deal with all of the communication former DCS Cook had with the journalist Michael Sullivan, which was not dealt with by the Independent Police Complaints Commission during Operation Longhorn. Material identified in the Edison report included a document written by Alastair Morgan in respect of which, on 04 January 2010, former DCS Cook wrote '[t]*his was a report that Alastair wrote and I came across. It is quite emotive. Naturally he would not be happy if he knew I had it or was sharing it with you*'.[794]

xii. it does not deal with the email on 09 April 2010 to Michael Sullivan in which former DCS Cook emailed from his personal email address, a copy of an '*MG3 Report to Crown Prosecutor*' requesting a charging decision on an unrelated case in which Person J5, one of the witnesses from the Abelard Two Investigation, was also a witness. Former DCS Cook stated '*This is the file re the ASDA robbery, it will give you a further flavour of the stuff from* [Person J5]. *This is us requesting a decision form* [sic]

792 Retention and Redaction Op Edison disclosure to DMIP, EDN001055001, p2, 24 May 2018.
793 Retention and Redaction Op Edison disclosure to DMIP, EDN001055001, p1, 24 May 2018.
794 Email from former DCS David Cook to Mike Sullivan, EDN001821001, 4 January 2010.

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the CPS so we will have to wait and see.'[795] The police did not send this report to the Crown Prosecution Service until 20 April 2010, 11 days after former DCS Cook sent it to Michael Sullivan.

475. In January 2021, DCI Tony O'Sullivan advised the Panel that '[…] *disclosure was overlooked by Operation Edison during the examination of the material recovered from David Cook's devices. It is for this reason that there is no mention made of disclosure in the Operation Edison Report to the CPS* [Crown Prosecution Service] *and accompanying appendices*'. The Metropolitan Police also wrote to the Panel in January 2021 to say that the disclosure of the documents was overlooked. However, in the same letter, the Metropolitan Police also said that the Operation Edison report was concerned with evidence of former DCS Cook's unauthorised disclosure of confidential material.

476. The report does not deal with material not directly relating to the investigation of Daniel Morgan's murder, but relevant to the Panel's enquiries, which was found among the materials at former DCS David Cook's home during the searches in 2014, such as:

i. The report into the death of DC Alan Holmes and documents relating to that report;[796]

ii. 95 intelligence report documents from Operations Nigeria and Two Bridges;[797]

iii. A prison intelligence file;[798]

iv. A document discussing the covert methodology of deployment of probes during the investigation of Daniel Morgan's murder;[799]

v. A report, classified 'Secret';[800] and

vi. Advice from Jonathan Rees QC which was highly confidential and related to an intelligence source.[801]

477. In January 2021, DCI Tony O'Sullivan informed the Panel that these documents were not referred to within the report as the report was directed at DCS David Cook's dissemination, not possession, of law enforcement material. There was no evidence to indicate that these documents were disseminated by DCS Cook, and no evidence to suggest that these documents had been improperly provided to DSC Cook in the first instance. However, this is not consistent with DCI O'Sullivan's earlier assertion that the Examination Officers Terms of Reference stated at Phase 4: '*Examine the contents of the exhibits owned by Mr Cook to establish if criminal offences have been committed by his possession or unlawful dissemination of this data.*'

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795 Email from former DCS David Cook to Mike Sullivan, EDN001121001, 9 April 2010.
796 Report re review of Op Edison, EDN000778001, p1, 23 February 2018.
797 Report re review of Op Edison, EDN000778001, p1, 23 February 2018.
798 Report re review of Op Edison, EDN000778001, p1, 23 February 2018.
799 Report re review of Op Edison, EDN000778001, p2, 23 February 2018.
800 Report re review of Op Edison, EDN000778001, p2, 23 February 2018.
801 Report re review of Op Edison, EDN000778001, p2, 23 February 2018.

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10.3 Operation Tiberius

478. In its review of the material seized from former DCS David Cook's home on 04 November 2014, the Panel identified an email which former DCS Cook had sent to his personal email address from his Metropolitan Police account on 08 December 2010, to both his Serious Organised Crime Agency email address and a personal email address. Attached to this email was the Operation Tiberius report which was marked 'Secret'.

479. The Operation Tiberius document was a highly confidential report on the Metropolitan Police review into the role of corrupt serving police officers linked to Organised Crime Groups in the East and North East of London. This report contains extensive highly sensitive information, including the names of serving police officers who were assessed by the Metropolitan Police as being corrupt, the organised criminals to whom they were linked, and details of their suspected ongoing criminality. It is known that former DCS David Cook had mentioned his knowledge of the Operation Tiberius report to former Commander Robert Quick in October 2013[802] and sent one page of the Tiberius Report to Michael O'Sullivan on 14 January 2014.

480. This report was the subject of an '*expose*' by Tom Harper at *The Independent* newspaper in January 2014, and of an episode of *Panorama* in 2016.

481. It is quite extraordinary that the Operation Edison investigation apparently did not seek to find out how former DCS Cook had accessed the Operation Tiberius report and who had leaked the document. The Panel was informed by DCI Tony O'Sullivan that '[s]*ignificant time and resources were expended by Operation Edison to investigate David Cook's handling of the Operation Tiberius report.*' However, this did not include interviewing former DCS Cook about the matter. DCI O'Sullivan told the Panel in January 2021 that the matter had been investigated by Metropolitan Police Operation Yestin.

482. The Panel asked former DCS David Cook how he came to have possession of the Operation Tiberius report. He responded, '[t]*his big 'Top Secret' document was found in one of the crates that was delivered to us at* [named police premises] *along with a whole pile of other stuff.*'[803] Former DCS Cook said that he read the document and then returned it to someone within the Abelard Two Investigation, who '*made copies*' of it and gave him one of the copies.[804] He then left it '*within the inquiry.*'[805] Former DCS Cook declined to name the person within his investigation to whom he had returned the Operation Tiberius report.

483. Former DCS David Cook was asked why he had simply returned the Operation Tiberius report to his staff and for what purpose he himself had retained a copy. It was put to him that he was a former very senior officer in the Metropolitan Police, he had worked for the Serious Organised Crime Agency, he had been involved in a great deal of sensitive work throughout his career, he had been given a report marked 'Secret', knowing the rules in relation to the handling of sensitive material, and aware that it was circulating among people within his team who had no legitimate right of access to it. In these circumstances, he should have taken steps to ensure that it was immediately protected. He responded saying that the investigation had

802 Operation Edison – Examination of Electronic Exhibits Seized from former DCS David Cook (Material relating to former Commander Robert Quick), EDN002252001, p5.
803 Panel interview with former DCS David Cook, PNL000191001, p18, 26 August 2020.
804 Panel interview with former DCS David Cook, PNL000191001, p19, 26 August 2020.
805 Panel interview with former DCS David Cook, PNL000191001, p19, 26 August 2020.

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been very busy and that, '*it wasn't relevant to the Morgan thing. But it was relevant to my whole, you could say interest in the whole corruption aspect, and stuff like that.*'[806] Despite further questioning on this, former DCS Cook declined to provide any further information.

484. The Metropolitan Police has not disclosed to the Panel the nature of much of the material recovered in 2014, because, it says, this material does not relate to the murder of Daniel Morgan.

485. At the time when he came into possession of the Operation Tiberius report former DCS David Cook was still the 'Consultant Senior Investigating Officer' for the Abelard Two Investigation. He was reporting to AC John Yates. He was also employed as a public servant by the Serious Organised Crime Agency. The fact that he did not take action in 2010 to protect this secret report and its contents from further unauthorised dissemination and to return it to safe custody was a very serious failing by former DCS Cook.

486. The Operation Tiberius document remains available on the internet. The Panel has drawn this to the attention of the Metropolitan Police but has received no response to indicate that any action has been taken as a consequence. The Panel asked whether those whose personal data had been revealed in the Operation Tiberius report which appeared on the internet had been advised of this fact and whether the leaks had been reported to the Office of the Information Commissioner. No such action had been taken by the Metropolitan Police. Following notification that the Panel was proposing to be critical of this in its Report in January 2021, the Metropolitan Police stated to the Panel that in 2015 enquiries were made to explore possible avenues for removing the Operation Tiberius report from the internet, including seeking advice from the Directorate of Legal Services and the Directorate of Media Communications. At the conclusion of these enquiries, it was established that it would not be possible to secure removal of all copies of the report from the internet, due to the report having been posted on a number of different websites, social media platforms and non-UK based servers. In addition to this, the Metropolitan Police stated that the actions of a member of the public in printing, posting and emailing copies of the report made obtaining control of the report impossible.

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806 Panel interview with former DCS David Cook, PNL000191001, p21, 26 August 2020.

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10.4 Observations

487. The evidence contained within the Operation Edison database clearly shows that former DCS David Cook systematically used personal email addresses not only to conduct sensitive Metropolitan Police business, but also to supply sensitive police information to his friends and contacts who, as members of the public, were not entitled to receive this information.

488. The material available shows that, while former DCS David Cook saw himself as working to prevent corruption in policing and the media, he also hoped to make money publishing a book and being involved in film making and was quite prepared to hand material to unauthorised third parties to further this aim. He articulated his need to make money at various intervals, such as asking Glen Campbell to speak to an individual involved in making a film about News International saying, '*to be honest the money would be helpful just now if it can be rescued.*'[807] Former DCS Cook repeatedly urged those to whom he supplied material, to protect the material and his identity as the source of the material.

489. It is obvious from the material available that, in some cases, documents belonging to the Metropolitan Police were attached to emails and sent to third parties, including the journalists referred to above. On other occasions the emails disclose that former DCS David Cook arranged to meet someone such as Peter Jukes to provide them with documentation. In those cases, it is not known what the documentation was. However, the Panel has noted that former DCS Cook had no qualms about sending confidential material by email from his private email addresses.

490. Whilst the withdrawal of the charges against the Defendants on 11 March 2011 was caused in part by '*identified disclosure problems which had been of concern throughout the judicial process*',[808] the evidence shows that former DCS David Cook was passing information to journalists and other associates both during and after the trial. The scale of the information leaks by former DCS Cook had the potential to disrupt any judicial process in any future trial relating to Daniel Morgan's murder.

807 Edison Report, EDN002248001, p12, para 64, June 2019.
808 Operation Megan Report, MPS109687001, p1, para 1.4, undated.

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10.5 The Investigation Advice from the Senior Specialist Prosecutor

491. The Metropolitan Police report was referred to a Senior Specialist Prosecutor at the Crown Prosecution Service at the beginning of September 2019. The Senior Specialist Prosecutor, Michael Gregory, first considered 18 emails sent by former DCS David Cook between 13 October 2009 and 21 June 2013 which had restricted police material attached: 12 to Michael Sullivan; two to Jacqui Hames; one to Bob Graham; one to Peter Jukes; one to Glen Campbell and one to former AC Robert Quick. He stated that it was necessary to consider the offence of misconduct in public office for sending these emails and attachments and disclosure of personal data contrary to section 55 of the Data Protection Act 1998.[809]

492. In reaching his conclusion he took into account:

i. the emails and materials to and from former DCS David Cook, (56 of which had been identified by DCI Tony O'Sullivan as the '*relevant emails*');

ii. the schedule prepared by DS Gary Dalby for the purposes of Operation Longhorn which indicated whether or not the material considered in that investigation was in the public domain;

iii. witness statements from Jacqui Hames, Michael Sullivan, former AC Robert Quick and former Metropolitan Police Commissioner, Sir Ian Blair, to the Leveson Inquiry; and

iv. materials from the Independent Police Complaints Commission's Operation Longhorn and the Crown Prosecution Service review of their investigation report and from the *Panorama* investigation.[810]

493. The Senior Specialist Prosecutor said, having reviewed all the material which was not contained in the 56 emails referred to in the Operation Edison report, but which he had been sent by DCI Tony O'Sullivan, that he was satisfied that '*they, of themselves, do not show criminality over and above that disclosed in the 56 emails*'.[811]

494. The Senior Specialist Prosecutor referred to emails which had been sent to various people by former DCS David Cook including two emails from former DCS Cook to Alastair Morgan. One sent on 15 October 2013 contained no message but included a number of attachments including a witness statement from the Abelard One/Morgan Two Investigation in which the witness gave evidence about the relationship between Southern Investigations and the *News of the World* and its editor Alex Marunchak, and a 'Day Book' containing payments from Alex Marunchak to Southern Investigations. DCS Cook also sent various police documents relating to the surveillance of himself in 2002.[812] In a second email, dated 14 November 2013, he sent Alastair Morgan a copy of an intelligence report which he had submitted in 2006. On 28 March 2014 former DCS Cook sent Alastair Morgan's solicitor copies of the two documents relating to surveillance on himself which he had sent to Alastair Morgan on 15 October 2013.[813]

495. The Senior Specialist Prosecutor referred to the fact that no full file had been received and listed the following categories of material which would be required to create a full file:

i. '*An account under caution from David Cook.*

809 Investigative Advice 2 from the Senior Specialist Prosecutor Michael Gregory, EDN002277001, p4, para 2.1-2.2, 04 February 2020
810 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, p9 paras 4.1-4.2, 04 February 2020.
811 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p10, para 4.7, 04 February 2020.
812 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, pp54-55, para 5.106, 04 February 2020.
813 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p56, para 5.110, 04 February 2020.

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ii. *An update on David Cook's medical and psychiatric wellbeing. As part of Operation Longhorn, in 2012 David Cook provided medical records outlining his physical state and mental health.*

iii. *Victim Impact Statements from any individual whose personal data or information was given to by David Cook.*

iv. *Unused material schedules. In a case with so many interlinked Operations and Investigations, the MG6 series* [of forms] *would be an essential ingredient of the full file. In particular, this would require engagement with the IOPC for all material in relation to Operation Longhorn and Panorama investigations and of the digital material found as part of Operation Edison.*

v. *Evidence about the extent of David Cook's authority and security clearance to work from home and use non secure email whilst employed by SOCA.*

vi. *Evidence about the extent of information given to Graeme McLagan for his book 'Bent Coppers' and how that access was facilitated.*

vii. *Evidence about the extent of material disclosed to Jacqui Hames by the Leveson Inquiry in order for her to make her statement.*

viii. *Evidence of whether the material disclosed to Alistair Morgan/his solicitor had been disclosed to him officially as part of an investigative update by Operation Abelard II.*

ix. *Evidential forensic reports on the contents of media exhibits seized from David Cook as part of Operation Edison.*

x. *Evidence to support the security classifications placed on documents and evidence to support the timing and extent of their disclosure.*

xi. *T/DI Dalby, the Disclosure Officer for Abelard II has assisted greatly in identifying whether documents/information disclosed by David Cook in Operation Edison were discussed in Court during Operation Abelard II hearings and/or are in the public domain (using the Information Commissioners definition of 'public domain' as a guiding principle). On my reading of the Leveson Inquiry a review of whether any of the disclosed information was provided by senior MPS officers to the Inquiry needs to be conducted.*

xii. *Clarification as to whether the content of witness statements disclosed by David Cook (e.g. [...]), who may have given evidence during Daniel Morgan's inquest was covered in the media and the accessibility of such.*

xiii. *T/DI Dalby indicates that there are various bloggers who have obtained copies of MPS documents and published them online. A search would need to be conducted.*

xiv. *Statement from a suitable person to outline MPS role as "data controller", setting out the purposes for which and the manner in which any personal data is (as in 2010-2014) processed by MPS.*'[814]

814 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, pp57-58, para 6.3, 04 February 2020.

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496. He said that it was probable that some of this material did not exist and reliance would have to be placed on best memory witness statements. The remaining work would be considerable and would require significant resources in terms of personnel and time.[815]

497. The Senior Specialist Prosecutor was satisfied that the emails disclosed personal data or the information contained personal data. He described the defence under section 55(2) of the Data Protection Act 1998 which provides that the prohibition in disclosing personal data does not apply if: '*in the particular circumstances the obtaining, disclosing or procuring was justified as being in the public interest.*'[816]

498. The Senior Specialist Prosecutor referred to the decision of the Prosecutor in the Operation Longhorn Investigation who concluded that former DCS David Cook's proposed book was capable of raising or contributing to an important matter of public debate and that the public interest served was medium to high.[817]

499. In reflecting on former DCS David Cook's motivation, the Senior Specialist Prosecutor referred to the material which former DCS Cook had in his possession, saying that, '[h]*e had a huge volume of material covering many investigations not related to the death of Daniel Morgan. The overwhelming focus of his disclosures was on the discreet issue of the press relationship with private investigators and their role in using unlawful methods to obtain citizens* [sic] *private information/ their role in creating stories. It is an indication of this focus in my view that David Cook disclosed the same documents to an* [sic] *number of his contacts.*'[818]

500. He continued, '[a]*s a broad overview, the disclosure of information covering these headings in 2012-2014, when there was a real national focus on the conduct of journalists and those who worked for them, was capable of raising or contributing to an important matter of public debate about serious impropriety, significant unethical conduct and significant incompetence. Given that the issues were still current in the public domain, the likely public interest served by this information in my view was medium to high.*'[819]

501. The Senior Specialist Prosecutor quoted the Director of Public Prosecutions' Guidelines on Assessing the Public Interest in cases involving the Media which state, '[w]*hen considering cases affecting the media in which freedom of expression and the right to receive and impart information are in issue, prosecutors should specifically go on to consider: Whether the public interest served by the conduct in question outweighs the overall criminality?*' [820]

502. He said that,

> '[i]*n considering the public interest factors outweighs the overall criminality prosecutors should follow the approach set out below. It is a three stage process: (1) assessing the public interest served by the conduct in question; (2) assessing the overall criminality; and (3) weighing these two considerations*.
>
> '*Whilst of course the public interest factors in prosecuting David Cook for disclosure in relation to each journalist would have to be considered individual (sic), it is possible to*

815 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p58, paras 6.3-6.5, 04 February 2020.
816 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p60, para 6.11, 04 February 2020.
817 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p61, para 6.15, 04 February 2020.
818 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, pp61-62, para 6.18, 04 February 2020.
819 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p62, para 6.19, 04 February 2020.
820 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p62, para 6.21, 04 February 2020.

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make some general observations that are relevant to all. In assessing overall criminality, the following factors (not exclusively) should be considered:

- *'**Whether the conduct was part of a repeated or routine pattern of behaviour or likely to continue**. David Cook stated in 2012, in his prepared statements as part of Operation Longhorn, that he had not given DPA 1998 considerations any thought. Following his Operation Longhorn arrest in 2012, he can have been left in no doubt of those provisions. Despite being under investigation for Operation Longhorn, he continued to disclose material to journalists.*
- ***Whether there was any element of corruption in the conduct in question**. In my view it cannot be established that David Cook's disclosures were motivated in whole/part by financial reward. There is no evidence that he gained financially.*
- ***Whether the conduct in question included the use of threats, harassment or intimidation**. This element is not present in any of the disclosure.*
- ***The impact on any course of justice, for example whether a criminal investigation or proceedings may have been put in jeopardy**. There is no evidence that any criminal investigations were or may have been put in jeopardy.*
- ***The motivation of the suspect insofar as it can be ascertained (examples might range from malice or financial gain at one extreme to a belief that the conduct would be in the public interest at the other, taking into account the information available to the suspect at the time)**. On the information available, David Cook was of extreme belief that his disclosures were in the public interest. The email exchanges reveal that was also the view of the journalists Peter Jukes and Glen Campbell for the disclosure to them.*
- ***Whether the public interest in question could equally well have been served by some lawful means having regard to all the circumstances in the particular case**. Of course this would only apply if the disclosure was not considered to be in the public interest.' (Bold in original)*[821]

821 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, pp62-63, paras 6.22-6.23, 04 February 2020.

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503. In drawing these conclusions, the Senior Specialist Prosecutor did not take account of the fact that it is clear from the emails that former DCS David Cook very much hoped to make money from his book and any consequential media or other opportunities. He gives no explanation for his statement that, '[t]*here is no evidence that any criminal investigations were or may have been put in jeopardy*.'[822] Many of the documents disclosed by former DCS Cook related to unsolved crimes, including the murder of Daniel Morgan. Placing these documents into the public domain risked compromising any future trial of these cases. The Panel does not accept the statement that the test of '[w]*hether the public interest in question could equally well have been served by some lawful means having regard to all the circumstances in the particular case*' would '*only apply if the disclosure was not considered to be in the public interest*.'[823] The Guidelines to which the Senior Specialist Prosecutor referred specifically state that the Prosecutor must weigh the public interest as assessed against the criminality as assessed.

504. The Senior Specialist Prosecutor then considered the public interest stage of the Full Code Test in the Code for Crown Prosecutors (2018 version). He set out the following general considerations:

a. How serious is the offence committed;

b. An assessment of former DCS David Cook's age and maturity at the time of the offence;

c. The impact on the community;

d. Whether prosecution was a proportionate response.[824]

505. In considering whether prosecution was a proportionate response, he stated, '[r]*elevant factors in considering whether a prosecution is a proportionate response, particularly in relation to an offence under s. 55 DPA 1998, the penalty for which is a fine, are (not exclusively):*

i. *Operation Edison started in November 2014. The email communication which is the subject of this advice is now somewhat historic in nature. The oldest is over 11 years old and the newest is approaching 5 ½ years ago.*

ii. *I have set out above the considerable amount of further work required to provide a full file. This clearly has a considerable cost and resource implications should the police complete the necessary work to complete a Full File. This is particularly relevant given what I have said above about the evidential challenges in relation to the evidential stage of the Full Code Test.*

iii. *Although I have no evidence about the impact that any prosecution might have on David Cook's mental health it is nonetheless a matter to be considered when determining the proportionality of a prosecution.*

822 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p63, para 6.23, 04 February 2020.
823 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p63, para 6.23, 04 February 2020.
824 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, pp63-64, para 6.26, 04 February 2020.

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iv. *The mental health of David Cook would be relevant to any sentence likely to be imposed. This has a cost and resource implication.'*[825]

506. He then said, '[t]*aking into account the public interest factors a – d above, a prosecution is very unlikely to be a proportionate or appropriate response in the public interest*'.[826]

507. In considering the public interest stage, and reaching this conclusion, the Senior Specialist Prosecutor should have given much greater weight to possible damage to a victim. There were many victims whose personal data had been disclosed in breach of the Data Protection Act 1998 by former DCS David Cook, even during the period from 10 January 2012 to 04 November 2014. Some of the information disclosed was extremely sensitive, and in the case of information relating to the identity of a possible informant, it was information which might lead to a risk of injury or a risk to the life of an individual.

508. The Senior Specialist Prosecutor considered the information disclosed by former DCS David Cook to Michael Sullivan of *The Sun* newspaper. He said '[t]*aking into account:*

i. *A decision has previously been made by the CPS (Operation Longhorn) under 4.2 of the Code for Crown Prosecutors. Having been asked by the IPCC for a charging decision and prior to reviewing all the evidence (a full file), the reviewing lawyer concluded that the public interest did not require a prosecution of David Cook for the offences of misconduct in a public office and/or s. 55 DPA 1998.*

ii. *The time period of emails considered as part of Operation Edison falls within the same period as considered by Operation Longhorn.*

iii. *The material disclosed by David Cook to Mike Sullivan in Operation Edison, was like Operation Longhorn motivated David Cook and Mike Sullivan to publish a book* [sic] *on the Daniel Morgan police enquiry. Any such book would have sought MPS approval before publishing.*

iv. *Email from IOPC LI on Operation Longhorn to Operation Edison on 10.06.19 which states, '… in my opinion, what they have found that falls within our parameters would not have altered anything …'*

A charging decision in relation to the material disclosed to Mike Sullivan would reach the same conclusion as those reached in Operation Longhorn.'[827]

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825 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, pp64-65, para 6.27, 04 February 2020.
826 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p65, para 6.28, 04 February 2021.
827 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p65, para 6.29, 04 February 2020.

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509. The Panel has expressed its opinion on the flaws in the decision-making of the Prosecutor in Operation Longhorn (see sections 4.3-4.9 above). The time periods covered by Operation Longhorn and Operation Edison were not the same. In addition to this, the Metropolitan Police had become aware in 2014 that former DCS David Cook had possession of the full Operation Tiberius report – a secret Metropolitan Police report, not just the single page which former DCS Cook had sent to Michael Sullivan. The Panel has not seen the complete database of material seized by the Metropolitan Police and does not know whether it was disseminated by former DCS Cook. However, this was a matter which should have resulted in an investigation. The Senior Specialist Prosecutor was also aware that former DCS Cook had sent Michael Sullivan a report into the debrief of Person F11, which was not in the public domain and which was not considered in Operation Longhorn.[828]

510. The Senior Specialist Prosecutor considered the evidence in respect of former DCS David Cook's disclosures to his former wife, Jacqui Hames. He stated that at the time of the disclosure former DCS Cook was in public office because he was employed by the Serious Organised Crime Agency. He said:

> *'Having considered the matter carefully, I see little prospect of there being sufficient evidence to establish that this conduct was to such a degree as to amount to an abuse of the public's trust in David Cook:*
>
> - *The 14 documents disclosed had a common theme. They related to the surveillance/ potential criminal activity against them (David Cook and Jacqui Hames) in 2002 and the NoTW [News of the World] working with Southern Investigations.*
> - *The purpose was to enable Jacqui Hames to be in a position to request and ensure she had that information (albeit I am sure it would have been redacted) from MPS in her action against NI.*
> - *A degree of redaction had been conducted by David Cook of personal information – i.e. redacting the statement of […] to remove [their]name.*
>
> *I therefore see little prospect of being able to satisfy the evidential stage of the Code of Crown prosecutors against David Cook for the offence of misconduct in a public office.'*[829]

511. It would have been possible for Jacqui Hames to have sought disclosure of this material from the Metropolitan Police. It was not necessary for former DCS David Cook to have provided the documentation to her.

828 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, pp26-27, para 5.10, 04 February 2020.
829 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p66, paras 6.33-6.34, 04 February 2020.

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512. In relation to the offence of breach of section 55 of the Data Protection Act 1998, the Senior Specialist Prosecutor said that the documents supplied did contain personal data. He then said:

> '*It can be readily foreseen that David Cook is likely to argue that the disclosure of this information, in the particular circumstances was in the public interest (s.55 (2) (d) DPA 1998. I see considerable force in the provision of these documents to secure disclosure in civil proceedings as being in the public interest. On the face of it, difficult to argue that as they appear to show his very conduct that NI* [News International] *later accepted civil liability for, that it was not in the public interest to disclose the material.*'[830]

513. It is not clear what the Senior Specialist Prosecutor is saying in this statement.

514. The Senior Specialist Prosecutor considered former DCS David Cook's disclosure to Bob Graham and concluded that '*a charging decision in relation to the material disclosed to Bob Graham would reach the same conclusion as those reached in Operation Longhorn/Panorama review*.'[831] However, the document disclosed to Bob Graham was a 259 page briefing prepared for Defence counsel in the Abelard Two prosecution in relation to Person J5, which detailed her confessions to criminality and her accounts of the criminality of others. It had a security marking of 'Sensitive'.[832] This document contained a huge amount of material about a large number of people. The Panel acknowledges that the dissemination of this report to Mike Sullivan had been considered in Operation Longhorn. This was another dissemination to another individual and, as such, warranted separate consideration within Operation Edison.

515. The Specialist Prosecutor considered the situation with regard to Peter Jukes and the disclosures to him. He concluded that prior to 26 March 2013 former DCS David Cook and Peter Jukes had not met. The relevance of this is not obvious. He concluded that:

> '*In 2012-2014, when there was a real national focus on the conduct of journalists and those who worked for them, this information was capable of raising or contributing to an important matter of public debate about serious impropriety, significant unethical conduct and significant incompetence. Given that the issues were still current in the public domain, the likely public interest served by this information in my view was medium to high. Therefore* [sic] *see little prospect of being able to satisfy the evidential stage of the Code of Crown prosecutors against David Cook for the offence breaching s55 DPA 1998.*
>
> '*Even if, on an analysis of a full file of evidence I was satisfied that there was sufficient evidence, it is very unlikely that it would be in the public interest to prosecute.*'[833]

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830 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p66, para 6.36, 04 February 2020.
831 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p67, para 6.38, 04 February 2020.
832 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, pp30-31, para 5.20, 04 February 2020.
833 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p69, paras 6.47-6.48, 04 February 2020.

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516. Although it is known that former DCS David Cook had previously sent other police documents prepared for Defence lawyers to third parties, it was the opinion of the Specialist Prosecutor and Crown Prosecution Service that the material came to former DCS Cook from a Defence source during litigation.

517. The Senior Specialist Prosecutor then considered the disclosures by former DCS David Cook to Glen Campbell. He came to the same conclusion in respect of Glen Campbell as Peter Jukes.[834]

518. The Senior Specialist Prosecutor did not provide any positive investigative advice in relation to any of the people to whom former DCS David Cook had disclosed material. He concluded that, even where there were indications that a criminal offence had been committed, it would not be in the public interest to prosecute former DCS Cook.

519. Having received this advice from the Crown Prosecution Service, the Metropolitan Police decided in April 2020 that there would be no further investigation of the abstraction of police and Serious Organised Crime Agency material by former DCS David Cook, or of the unauthorised dissemination of some of that material, including large volumes of material forming part of the investigation of Daniel Morgan's murder.

10.6 Conclusions

520. The Panel received the Report from the Crown Prosecution Service on 04 June 2020. It was marked 'Secret' and the Panel Chair and Counsel to the Panel had to travel to London during the COVID-19 Lockdown[835] to inspect the documentation. The Panel Chair and Counsel asked for the security classification, which they regarded as unjustified, to be reduced so that the material could be made immediately available to all the Panel and its staff. This was done.

521. A decision had been made in January 2017 to limit the time span for the Operation Edison investigation to cover the period from 10 January 2012 to 04 November 2014.[836] The deliberations and the decisions of the Gold Group which was formed for Operation Edison should have informed DCI Tony O'Sullivan's investigation. The members of the Gold Group should have been aware of the extent of the abstraction and dissemination of confidential police material by former DCS David Cook if they were to fulfil their role properly. It is not known whether they were fully informed.

522. In July 2020, the Panel wrote to the Metropolitan Police asking how the time span of the investigation was determined and how the emails which were considered in the Report were selected for examination. It was pointed out to the Metropolitan Police that there had been unlawful disclosure of material relating to activity during the period from the mid-1990s, when former DCS David Cook worked in Surrey Police, until his retirement from the Serious Organised Crime Agency in June 2013.[837]

834 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p70, paras 6.53-6.54, 04 February 2020.
835 This was a period during which travel and meetings were greatly restricted to limit the spread of the Coronavirus and vast numbers of people, including the Panel, and its staff worked from home.
836 Letter from DCI Tony O'Sullivan to the Daniel Morgan Independent Panel, p2, 04 August 2020.
837 Letter from the Daniel Morgan Independent Panel to the Metropolitan Police, 16 July 2020.

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523. On 04 August 2020, DCI Tony O'Sullivan responded on behalf of the Metropolitan Police saying that the decision to limit the time span of the investigation was made because Operation Longhorn had dealt with the period before 10 January 2012.[838] In response to the question about how the emails considered in the Report were chosen, he said that '*the investigation identified material shared by Cook prior to this point, which may have amounted to an offence of misconduct in a public office, for completeness those emails were provided to the CPS and are dealt with in the CPS Advice file.*'[839]

524. Despite the acknowledgment by DCI Tony O'Sullivan that former DCS David Cook's conduct may have amounted to misconduct in public office, there is no statement to this effect in his report to the Crown Prosecution Service. The words '*misconduct in public office*' do not appear anywhere in the Operation Edison report. As a consequence, these matters were not drawn to the attention of the Crown Prosecution Service. The only potential criminal offence alluded to in the report is contained in a reference to the '*Data Protection Act*'.[840] The Panel cannot accept that an officer of DCI O'Sullivan's rank and experience would have been unaware of the evidence indicating misconduct in public office by former DCS Cook. DCI O'Sullivan's response to the Panel's request for information indicated that he did recognise the existence of such evidence, yet he did not refer to it in his report to the Crown Prosecution Service.

525. The Senior Specialist Prosecutor did identify some elements which might constitute the offence of misconduct in public office as described above but did not recommend any further action for the reasons described above.

526. The Senior Investigating Officer, DCI Tony O'Sullivan prepared a very brief, incomplete report on the facts surrounding the materials seized by the Metropolitan Police in 2014. It was subsequently described as an interim report, although when the Panel had enquired about the status of the Operation Edison report, it had been told by the Metropolitan Police that it was a full report.

527. From the material available, it is clear that the Metropolitan Police did not ensure that a full investigation was conducted of the possible offences which may have been committed by former DCS David Cook in the abstraction and unauthorised dissemination of materials, despite the fact that former DCS Cook was under investigation by the Metropolitan Police from 04 November 2014 until the decision was made by the Metropolitan Police to terminate the investigation in April 2020.

838 Letter from DCI Tony O'Sullivan to the Daniel Morgan Independent Panel, p2, 04 August 2020.
839 Letter from DCI Tony O'Sullivan to the Daniel Morgan Independent Panel, p2, 04 August 2020.
840 Edison Report, EDN002248001, p1, June 2019.

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528. It is clear from the investigative advice of the Senior Specialist Prosecutor, Michael Gregory that the report submitted to him was an interim report. No full investigation was required by Michael Gregory. However, only a limited amount of the material which had been abstracted, and in some cases disseminated, by former DCS David Cook was drawn to Michael Gregory's attention. His conclusion was not based, therefore, on an understanding of all the material which had been disclosed without authorisation by former DCS Cook.

529. During Operation Longhorn, only 46 emails, of over 500 emails and attachments, which had been recovered during the search of former DCS David Cook's home in January 2012, were considered as '*relevant.*' They were chosen, it was stated, '*as they represent potentially the most serious examples of unauthorised or inappropriate disclosure by David Cook to Mike Sullivan*.'[841] The Panel has indicated above the fact that there were other emails which involved very serious examples of unauthorised disclosure of material, some of it classed as 'Secret'. The Head of the Organised Crime Division at the Crown Prosecution Service, Gregor McGill, stated in reaching his conclusions that, '[t]*here appears to be some 550 e mails* [sic] – *but some 46 have been identified as being e mails* [sic] *where either the documents or the information in the e mail* [sic] *itself should not have been shared by Dave Cook with a journalist*'.[842] His understanding, therefore, was that only 46 of the emails were relevant to his decision and he made his decision on the basis only of these 46 emails.

530. During Operation Edison, only 56 emails of the total materials recovered by the Metropolitan Police during their search of former DCS David Cook's house in November 2014, which took three years to analyse prior to investigation, were considered relevant and presented to the Crown Prosecution Service for consideration. The Senior Specialist Prosecutor, Michael Gregory stated that he had reviewed the emails sent to the various individuals described in the Operation Edison report and '*I am satisfied that they, of themselves, do not show criminality over and above that disclosed in the 56 emails* […]'.[843] This is incorrect, as there is evidence in the other emails of other unidentified confidential material having been disclosed.

531. The Terms of Reference established for Operation Edison required that the investigation seek to establish whether any offences had been committed by any other officers. The Senior Specialist Prosecutor should have advised the Metropolitan Police that further investigation was required to ascertain how former DCS David Cook had obtained the material which he wrongfully held, and whether he had obtained any data from serving police officers or police staff between 2006 and 2014.

532. The Crown Prosecution Service advices, in both Operation Longhorn and Operation Edison, refer to the fact that Commander Simon Foy issued an informal warning in 2011 when he became aware that former DCS Cook had disclosed one email to Michael Sullivan.

841 '*Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p14, para 51, September 2014.
842 Endorsement by Head of Division, IPC001410001, p52, 29 September 2015.
843 Investigative Advice 2 from the Senior Specialist Prosecutor, Michael Gregory, EDN002277001, p10, para 4.7, 04 February 2020.

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533. The conclusions of the Senior Specialist Prosecutor in Operation Edison, to the extent that they related to the disclosure to Michael Sullivan, derived from the findings in Operation Longhorn. These findings, in turn, derived from the informal warning issued to former DCS David Cook on 26 May 2011.[844] That email had included confidential information sent between the solicitor for Daniel Morgan's family and AC John Yates (see paragraph 124-126 above).[845] This way of handling the unauthorised disclosure of one email by former DCS Cook was interpreted by the Independent Police Complaints Commission and the Crown Prosecution Service as relevant and was influential in the decision which was made in Operation Longhorn. That decision was that, although criminal conduct had been identified, it would not be in the public interest to prosecute. The decision in Operation Longhorn has been severely criticised by the Panel. The decision in Operation Edison was reliant on the decision in Operation Longhorn, given that both Operations considered material disclosed by former DCS Cook to Michael Sullivan during the same period and for the same purpose – the publishing of a book. However, the unauthorised disclosure evident in the material seized by the Metropolitan Police from former DCS Cook's home in November 2014 was made to multiple journalists and others. Given the volume and nature of the information disclosed by former DCS Cook, and recovered in Operation Edison, the public interest required a proper investigation into all aspects of the unauthorised disclosures, and a decision based on such a proper investigation. This did not happen.

534. The way in which the '*relevant*' material was selected during both the Operation Longhorn and Operation Edison investigations, meant that the unauthorised disclosure of some highly sensitive and secret material which was not specifically related to the investigation of the murder of Daniel Morgan was excluded from or not considered properly during both investigations.

535. Former DCS David Cook was under investigation from January 2012 to April 2020. It is understood that he had concerns about his health and security from 2002. He was afforded some assistance, and there is evidence that senior officers in the Metropolitan Police were concerned about him in later years, when he was under investigation, and took steps to ensure that he had the assistance of his staff association and of its Occupational Health Department, as did the Serious Organised Crime Agency. Notwithstanding that, it is noted that former DCS Cook, in answering questions about his mental health when he was being vetted in 2009 stated that he had no health problems.

536. The Panel has stated previously its view that former DCS David Cook should not have been allowed to remain involved in the Abelard Two Investigation for a number of reasons, including some of the ways in which he had conducted himself as Senior Investigating Officer. However, while the state of his health was discussed in both Operation Longhorn and Operation

844 *Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*, IPC001370001, p8, paras 22-24, September 2014.
845 *Investigation into the actions of Mr David Cook unauthorised disclosure of documents to a journalist whilst he held a public office*, IPC001370001, pp8-9, para 23, September 2014.

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Edison, there is no evidence that it was taken into consideration in an appropriate manner in the absence of any medical report or records. Finally, the evidence indicates that, despite his health problems, former DCS Cook was resolute, persistent and determined in acquiring information which he thought might be useful to him both in writing the book which he intended to write with Michael Sullivan about the murder of Daniel Morgan and in revealing what he perceived as corruption between the police, organised crime and private investigators and the media. He produced some 57 chapters of his proposed book during the period before 2014, some of which contained material which should never have been disclosed to those outside the relevant police inquiries. He shared these chapters with Michael Sullivan.

537. During the period from 2012 to 2020, the circumstances surrounding the abstraction and dissemination of material by former DCS David Cook was not fully investigated. Had proper investigation occurred and had the Prosecutors employed by the Crown Prosecution Service discharged their duties fully, it is possible that there would have been compelling arguments as to why it would not have been in the public interest to prosecute former DCS Cook. However, it is also the case that bringing proceedings against former DCS Cook would have resulted in an obligation on the Metropolitan Police to engage in what might have been among the most extensive disclosure processes of any criminal prosecution in this country, given the extent of the materials which he had abstracted and disseminated without authorisation. The revelation of the extent to which it was possible for one officer to misconduct himself would have been revealed. This would have caused embarrassment to the Metropolitan Police.

538. Former DCS David Cook has been shown to have acted wrongly over many years. He did so, he said, because he wanted to bring the murderers of Daniel Morgan to justice and if he could not do that, he wanted to write a book, to reveal the evidence of corruption within alliances between elements of policing, private investigation and the media and to make money. However, former DCS Cook should have been very clear that his duty was to act within the law and to follow proper procedures.

539. The Panel does not accept that this was a mere accident or omission. As a consequence of the legal constraints under which the Panel rightly operated, it has not been possible to disclose the extent of the content of some of the material which it has seen. However, the Panel is of the view that the Metropolitan Police were aware of parts, at least, of this situation when the Panel was appointed by the Home Secretary in 2013, and that as more understanding emerged, the imperative was in part to protect the reputation of the police, rather than to expend resources dealing with the totality of the issues emerging.

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540. Any serving officer, with access to sensitive information, has the opportunity to remove it and use it for unlawful purposes. The failure of the Metropolitan Police to prevent DCS David Cook from removing materials over such an protracted time period causes concern as to the extent to which such behaviour may be continuing within the police service unchecked.

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Chapter 10: Corruption: Venality to lack of candour

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1 Introduction

1. It is now more than three decades since Daniel Morgan was murdered with axe blows to the head in a dark car park behind a public house in Sydenham, South East London, on 10 March 1987. His body was discovered by a member of the public within a short time of his killing. The police were called immediately, and an investigation began that would prove to be the first of several murder investigations and other police operations arising from, or linked to the murder, or those associated with it, none of which has succeeded in bringing to justice the person or persons responsible for Daniel Morgan's murder.

2. Allegations of police corruption arose soon after the murder, and the case became notorious because of this. In 2013, the Home Secretary, Theresa May MP, appointed the Independent Panel to conduct '*a full and effective review of corruption as it affected the handling of this case and of the treatment of the family by the police and other parts of the criminal justice system*'.[1]

1 Terms of Reference, para 2. The full text of the Panel's Terms of Reference can be found in Annex A.

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3. The role of corruption was a key focus of the Panel's Terms of Reference. This is because the suggestion that police corruption played a role in Daniel Morgan's murder has, from the outset, been a recurring theme around successive investigations. It has been suggested either that the police were involved in the killing, or that police officers were somehow able to frustrate successive police investigations thereby preventing those responsible for Daniel Morgan's murder from being brought to justice.

4. This chapter discusses some general and thematic concepts of corruption and explores the indications and evidence in the data available to the Panel as to the role of police corruption in relation to the murder of Daniel Morgan and its investigation.

5. When successive investigations failed to identify the perpetrator(s) of the murder or expose the role of police corruption in the murder or the murder investigations, the family of Daniel Morgan, frustrated by the lack of progress, mounted a formidable campaign without which the Panel would almost certainly not have been appointed.

6. This is the background to the Panel's analysis of the different manifestations of police corruption which have been alleged during the course of the investigations into Daniel Morgan's murder, from 1987 to the present day.

7. In this chapter, the Panel will extend the discussion of the evidence arising from the investigations into Daniel Morgan's murder beyond what is generally understood by police corruption as a form of venality: that is, dishonest behaviour for personal, usually pecuniary, advantage (everything from police officers 'moonlighting' to the selling of confidential information). The Panel has identified defensive behaviour on behalf of the Metropolitan Police, in the form of statements by the Metropolitan Police made to Daniel Morgan's family or to the media. These statements gave unwarranted assurances regarding the rigour of police investigations and reflected a lack of candour, through a lack of transparency as well as prevarication and obfuscation regarding investigative shortcomings, of which senior officers were aware. The effect of the statements was corrosive for the trust of members of Daniel Morgan's family and ultimately that of the public.

8. Public trust in the integrity of the police is essential for effective policing, as is organisational learning from identified failings and wrongdoing. It is for this reason that the Panel discusses both venal behaviour by individuals and lack of candour on the part of the Metropolitan Police, which can be seen as falling within a range of behaviour that amounts to corruption of differing degrees of seriousness and harm.

9. As more than three decades have passed without resolution of the case, so, gradually, the Metropolitan Police has moved from stating that the investigation had been thorough and had met the standards of the time, to acknowledging that police corruption and professional shortcomings had been a factor in the original investigation. However, they have done so without stating clearly what that corruption comprised. Nobody has ever been convicted of a criminal offence arising from corrupt activity relating to the Morgan One Investigation, the first investigation into the murder.

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10. In 2011, the Metropolitan Police stated that '[t]*he MPS* [Metropolitan Police Service] *has accepted that police corruption in the original investigation was a* ***significant factor*** [emphasis added] *in this failure*'.[2] When asked for specific details of what that corruption was which prevented those responsible from being brought to justice, how and when this corruption had been investigated and what they were doing to prevent such corruption occurring again, no clear answer emerged. In December 2020, in response to these questions the Metropolitan Police referred to various anti-corruption initiatives, such as:

- an Information Code of Conduct detailing the personal responsibility and duty of confidentiality owed by all officers and staff members;
- a declarable association policy which requires all police officers and staff to disclose any family connections, friendships or other associations with criminals or those who pose a risk of corruption; and
- an Integrity Assurance Unit which provides guidance on declared associations in accordance with force policy and is capable of running integrity checks on officers, staff and potential recruits.

11. However, in the absence of a Metropolitan Police definition of what was meant by the statements made about the Morgan One Investigation, it cannot be said that these specific initiatives would have prevented the undefined corruption which was said to be such '*a significant factor*'.

12. To address this lack of clarity, the Panel has sought to establish what the Metropolitan Police has meant when it has referred to corruption during the 34 years since the murder of Daniel Morgan.

2 Terms of Reference and definition of corruption

2.1 The Panel's Terms of Reference

13. The Terms of Reference, as drawn up by the Home Office, the Metropolitan Police and members of Daniel Morgan's family, set out the complex questions to be addressed by the Panel, namely:

> '*The purpose and remit of the Independent Panel is to shine a light on the circumstances of Daniel Morgan's murder, its background and the handling of the case over the whole period since March 1987. In doing so, the Panel will seek to address the questions arising, including those relating to:*
>
> - *police involvement in the murder;*
> - *the role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption; and*
> - *the incidence of connections between private investigators, police officers and journalists at the News of the World and other parts of the media and alleged corruption involved in the linkages between them.*'[3]

2 Letter from Acting Commissioner Tim Godwin to Alastair Morgan, MPS094332001, p16, 30 March 2011.

3 Terms of Reference, para 3.

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14. Any involvement by police officers in the murder, whether in planning, organising or carrying out the murder, would constitute both criminal behaviour and police corruption. Moreover, were the planning of the murder to include arrangements beforehand to ensure the failure to identify those responsible and bring them to justice, this would also constitute involvement in the murder.

15. The Terms of Reference give a vague formulation of the second issue: the role played by police corruption in protecting those responsible. There are two possible interpretations of this. It could mean that,

i. one or more police officers became aware after the murder of who was responsible and protected them; or

ii. one or more police officers who were not aware of who was responsible for the murder committed corrupt acts for their own reasons, and in so doing compromised the investigation with the result that there was no evidence capable of proving who was responsible for the murder and of bringing them to justice.

16. **Under either of these interpretations, this would constitute the offence of doing an act tending to and intended to pervert the course of justice and would be an example of police corruption. Under either interpretation, the failure to confront any identified corruption needs to be addressed by the Metropolitan Police.**[4]

17. The Terms of Reference have been interpreted as requiring the Panel to examine:

i. whether or not there was any police involvement in the murder itself;

ii. whether there was any police corruption affecting the investigation of the murder and making it impossible to bring whoever was responsible to justice; and

iii. in the context of the murder and its investigation, what was the incidence of connections among private investigators, police officers and the media, and whether or not there was, as alleged, corruption in the linkages.

18. The Panel has carried out its enquiries without making any assumptions, seeking to understand exactly what is meant by the Metropolitan Police's acknowledgment of its '*failure to confront the role played by police corruption in protecting those responsible for the murder from being brought to justice*' referred to in Article 1 of the Panel's Terms of Reference. It has done this by examining all the documentation now available and the information it has gathered, and by asking the Metropolitan Police precisely what they meant.

2.2 The Panel's definition of corruption

19. The Panel's Terms of Reference do not include a definition of corruption. The Panel has therefore developed its own definition, drawing upon the definitions of corruption and corrupt behaviour used by relevant bodies. Such bodies include the Independent Police Complaints Commission and its successor organisation, the Independent Office for Police Conduct, the National Police Chiefs Council, the College of Policing and the Metropolitan Police.

4 After the Panel's Terms of Reference were agreed, in 2015, a new criminal offence, '*corrupt or other improper exercise of police powers and privileges*', was introduced under section 26 of the Criminal Justice and Courts Act 2015.

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20. To inform its analysis, the Panel has drawn upon the report of the mid-Staffordshire NHS Foundation Trust Public Inquiry,[5] the report by Mark Ellison QC on his review concerning the Stephen Lawrence investigation,[6] the report of the Hillsborough Independent Panel and the subsequent report by the Right Reverend James Jones KCB,[7] the report of the Gosport Independent Panel,[8,9] and the work of the public inquiry into the Grenfell Tower fire.[10] These inquiries and reports provide important insights into serious failures of a variety of public services, including but not limited to the police, and address the complex issues of accountability and corruption.

21. The generic definition of corruption is '*dishonest or fraudulent conduct by those in power, typically involving bribery*'.[11] This definition suggests that for dishonest conduct to amount to corruption the person acting corruptly must be someone in power or exercising powers. This definition would apply to police forces, prison, probation and healthcare services, or other organisations serving the public. In these settings, 'corruption' may denote the misuse of authority in terms of deviance from the law, professional norms, ethical standards or public expectations.[12]

22. In common parlance 'corruption' is also used to refer to the venal behaviour of persons who do not hold positions of power, but who do have something to sell, or who act as corrupters in that they bribe persons exercising powers to commit corrupt acts: it follows that people within and outside the police may be involved in 'corrupt behaviour'.

23. The Panel's Terms of Reference require it to consider, primarily, wider questions relating to corruption. It is asked to address:

i. '*police involvement in the murder*'.[13] By any reasonable person's definition, if police officers commit or assist in planning a murder, it is not only the most serious crime of taking a person's life, but it is also the gravest breach of the duties of a police officer.

ii. '*the role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption*'.[14] The '*corruption*' is not explained further, but the Terms of Reference refer to the fact that '*in March 2011 the Metropolitan Police acknowledged "the repeated failure of the MPS* [Metropolitan Police Service] *to confront the role played by police corruption in protecting those responsible for the murder from being brought to justice"*'.[15]

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5 Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry, Sir Robert Francis QC (The Francis Report), 2013.
6 The Stephen Lawrence Independent Review, 06 March 2014.
7 The Report of the Hillsborough Independent Panel, September 2012; the report by the Right Reverend James Jones KBE, 'The Patronising Disposition of Unaccountable Power', November 2017.
8 The Panel was set up to address concerns about the care of patients in Gosport War Memorial Hospital and the subsequent investigations into their deaths.
9 The Report of the Gosport Independent Panel, 2018.
10 Phase 1 Report, The Grenfell Tower Inquiry, 30 October 2019.
11 Oxford English Dictionary.
12 Downes, D. and Rock. P. 2007, *Understanding Deviance,* 5th edn. Oxford University Press.
13 Terms of Reference, para 3.
14 Terms of Reference, para 3.
15 Terms of Reference, para 1.

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iii. '*the incidence of connections between private investigators, police officers and* […] *the media and alleged corruption involved in the linkages between them*'.[16] To do this, the Panel has adopted an expansive approach to 'corruption', including the conduct of the police and the behaviour of other individuals linked to the police or involved in corrupt activity with them.

24. The Independent Police Complaints Commission report on corruption in the police service in England and Wales in 2012 identified '*the need for a clear definition, understood by both the public and police*'.[17]

25. The Panel has adopted a broad definition of corruption for the purposes of its work. The definition below is based on the key elements of dishonesty and benefit, and allows for the involvement of a variety of actors and a variety of forms of benefit:

The improper behaviour by action or omission:

i. by a person or persons in a position of power or exercising powers, such as police officers;

ii. acting individually or collectively;

iii. with or without the involvement of other actors who are not in a position of power or exercising powers;

for direct or indirect benefit :

iv. of the individual(s) involved; or

v. for a cause or organisation valued by them; or

vi. for the benefit or detriment of others;

such that a reasonable person would not expect the powers to be exercised for the purpose of achieving that benefit or detriment.

The Panel has used this definition to consider the conduct of the police officers involved in the investigations of the murder of Daniel Morgan**.**

26. **The Panel includes in its wider definition of corruption some instances of failures on the part of senior officers/managers, acting as representatives of their organisations. The documentation reveals the following wide range of actions and omissions by senior postholders on behalf of their organisations; many of these actions and omissions have been identified in the reports of other independent panels and inquiries:**

i. failing to identify corruption;

ii. failing to confront corruption;

iii. failing to manage investigations and ensure proper oversight;

iv. failing to take a fresh look at past mistakes and failures;

16 Terms of Reference, para 3.

17 Corruption in the Police Service in England and Wales, Dame Anne Owers, p4, May 2012.

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v. failing to learn from past mistakes and failures;

vi. failing to admit past mistakes and failures promptly and specifically;

vii. giving unjustified assurances;

viii. failing to make a voluntarily commitment to candour; and

ix. failing to be open and transparent.

27. **These failings do not all automatically fall within the definition of corruption. Some may result from professional incompetence or poor management. However, when the failures cannot reasonably be explained as genuine error and indicate dishonesty for the benefit of the organisation, in the Panel's view they amount to institutional corruption. A lack of candour on the part of the Metropolitan Police in respect of its failings is shown by a lack of transparency, as well as prevarication and obfuscation.**

3 Context

28. Before dealing in more detail with the role played by police corruption, it is important to summarise the key features of the general context in which the murder of Daniel Morgan occurred.

3.1 Private investigators and the police

29. Daniel Morgan was a private investigator running a firm called Southern Investigations. Both he and his partner, Jonathan Rees, had close working relationships with the police and both, particularly Jonathan Rees, spent a great deal of their time in the company of the police. Their police contacts would have been professionally useful to them given that they were engaged in privately contracted activities akin to policing. The firm accepted commissions of a security-related nature from a variety of clients. They safeguarded and recovered property, carried out surveillance, enforced County Court judgments and collected debts. Such work would have brought them into contact with both clients and subjects potentially known to the police, and about whom police intelligence and cooperation would have been valuable.

30. In the 1980s, as is the case today, there were a number of former police officers who worked as private investigators. Neither Daniel Morgan nor Jonathan Rees had been police officers. Former DS Sidney Fillery became Jonathan Rees's business partner in June 1989.[18]

31. Concerns about the integrity of some persons working in the important and burgeoning private security industry led the Home Affairs Committee of the House of Commons to recommend in 1995 that a licensing system be introduced to ensure that personnel were fit and proper.[19]

32. The Private Security Industry Act 2001 provided for the creation of the Security Industry Authority to carry out various functions in relation to licensing and approvals for those working in the private security industry. The purpose of the Act was to regulate the private security industry

18 Report on the trading activities of Southern Investigations, MPS061738001, p2, undated.

19 Home Affairs Select Committee, First Report, *The Private Security Industry,* HC 17-1 (1994-5) London: HMSO.

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effectively, prevent crime, raise standards and recognise quality service. The Act created the criminal offence of using unlicensed security operatives in the regulated industry sector and provided for the entry of premises for inspection by the Security Industry Authority.

33. Schedule 2 to the 2001 Act lists those activities liable to control under the Act. '*Private Investigations*', alongside '*manned guarding*' and '*vehicle immobilisation*', is one of the listed activities. Paragraph 4 of Schedule 2 defines what sort of investigation is included and what is excluded. This paragraph was brought into force on 01 February 2004.[20] In practice, only so-called '*door operatives*' and '*vehicle immobilisation contractors (and employees)*' are currently required to obtain an operating licence. The Security Industry Authority does not as yet require private investigators to obtain a licence to operate.

34. This lacuna in the regulatory framework for what is an important branch of the private security industry continues to exist despite reports from the Serious Organised Crime Agency,[21] Her Majesty's Inspectorate of Constabulary[22] and, for the second time, a House of Commons Select Committee expressing continued concerns about the integrity of some private investigators and the need for active regulation.[23]

35. In 2013, the Government responded to the recommendations of the Home Affairs Select Committee as follows:

> '*The Government can confirm its intention to regulate the activities of private investigators by requiring them to be licensed by the Security Industry Authority. It will then become a criminal offence to undertake private investigations without a licence, which could then only be issued following satisfactory criminality and identity checks, and competency-based training. Furthermore it will become a criminal offence to breach the conditions of a licence for private investigation as per section 9(4) of the Private Security Industry Act 2001 (PSIA).*
>
> '*It is the Government's intention that the regulation of the private investigations sector will be rolled out from the autumn of 2014.*'[24]

36. In 2016, the Home Office asked a senior official to undertake a review of the Security Industry Authority and its role. Following consultation, the review report was published in 2018, and it found that there was a case for regulation of private investigators. It recommended that private investigators should be treated as businesses and subject to the revised Approved Contractor Scheme system of standards overseen by the Authority. The review said that the statutory body, the Security Industry Authority, would need to work with the private investigation industry to develop a suitable set of standards and an implementation timetable. It said the Private Security Industry Act 2001 may need to be reviewed and legislation introduced to ensure that regulation of the private investigation industry was implemented.[25] The Home Office Minister, Nick Hurd MP, later wrote to advise the Security Industry Authority in February 2019

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20 The Private Security Industry Act 2001 (Commencement No. 2) Order 2003.

21 Serious Organised Crime Agency, '*Private Investigators: The Rogue Element of the Private Investigation Industry and others: Unlawfully Trading in Personnel Data*, January 2008.

22 Her Majesty's Inspectorate of Constabulary, '*Without Fear or Favour: A Review of Police Relationships*', December 2011

23 Home Affairs Select Committee (HASC), Fourth Report, HC 100, *Private Investigators*, 06 July 2012.

24 The Government response to the Fourth Report of the Home Affairs Committee Session 2012-13 HC 100, Private Investigators, Opening Statement, July 2013.

25 Home Office, '*Security Industry Authority Review 2016/17*', 07 June 2018.

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about the review's recommendations and indicated that there was no substantive case for extending the current regime, and therefore no need for significant legislative change such as business licensing.[26]

RECOMMENDATION

37. The Government should act on its stated intention in 2013 to require licensing measures, introduce legislation to ensure the creation and use of standards, and implement the recommendation in the 2016 review concerning the regulation of private investigators.

38. The Government response to the 2012 Home Affairs Select Committee report also recommended that the Home Secretary exercise her power to strengthen the penalties available for offences relating to the unlawful obtaining, disclosure and selling of personal data. This has not been done. Section 55 of the Data Protection Act 1998 has now been repealed and replaced with section 170 of the Data Protection Act 2018. The new provisions are broadly the same as those replaced, although the 2018 Act creates an additional offence of retaining data (which may have been lawfully obtained) without the consent of the data controller.

39. In conducting its enquiries, the Panel has encountered significant volumes of evidence indicating that Southern Investigations (later, Law & Commercial) was heavily involved in such activities from 1989.

40. This, the Panel considers, was an important opportunity missed to introduce legislation to provide for custodial sentences. Offences of this nature are still only punishable by financial penalties.

RECOMMENDATION

41. Given the potential seriousness of such offences, it is recommended that the Government take an early opportunity to amend the Data Protection Act 2018 to provide for sentences of imprisonment for offenders.

3.2 Organised crime and police connections

42. It is not part of the Panel's remit to examine corruption within the Metropolitan Police generally during the period in question but rather to focus on addressing specific issues related to it and to Daniel Morgan's murder. However, in interviews carried out with former police officers and others throughout the course of the Panel's work, the subject was inevitably discussed. A number of former officers related their experiences of corruption, especially within

26 Security Industry Authority (2019-2020), 'Raising Standards, Protecting the Public, SIA Corporate Plan', p9; at www.sia.homeoffice.gov.uk/Documents/corporate-plans/sia-corporate-plan-2019-20.pdf,

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the Criminal Investigation Department (CID) in the 1980s and 1990s, and it may be useful to set out some of what they said, including examples of specific instances of corrupt activity, to provide context and background.

43. The Senior Investigating Officer of the last investigation into the murder (the Abelard Two Investigation), DCS David Cook, joined the Metropolitan Police in 1979 and served in the Criminal Investigation Department (CID) throughout the 1980s and 1990s until he left to join Surrey Police in September 1996. Former DCS Cook told the Panel that, in his view, the Metropolitan Police was '*institutionally corrupt*'. He stated that corruption was often '*brushed under the carpet*' and was confronted only as long as doing so would not impact negatively on the officer who had to make the decisions about dealing with it.[27]

44. Former DCS David Cook related two examples of when he was personally affected by corrupt officers:

i. When serving as a Detective Constable in the Central Drugs Squad, he recruited an informant who passed information about the smuggling of heroin. During the first operation undertaken as a result of what the informant had said, six kilograms of heroin was seized. Consequent to the seizure and in anticipation of future operations, an experienced Detective Sergeant was appointed to help manage the informant. Sometime later, then DC (later DCS) Cook, went on leave and in his absence another operation involving the informant was established. This necessitated the installation of a listening device in a flat rented especially for the purpose of the operation. A reward was due to be paid to the informant. On his return from leave, DC Cook was told by the informant that the Detective Sergeant had approached him to tell him that from now on, he (the Detective Sergeant) would be the sole handler and that he wanted a share of the reward. DC Cook reported the informant's allegation to senior officers, as a consequence of which the Detective Sergeant was simply transferred. Former DCS Cook told the Panel that he was then '*blackballed*' by colleagues for reporting the matter. Some while later, the Detective Sergeant was promoted to Detective Inspector but then dismissed from the Metropolitan Police, following unrelated allegations of corrupt behaviour.[28]

ii. Former DCS Cook told the Panel that, subsequently, while serving at Heathrow Airport, his team recovered a large number of stolen laptops, for which a reward had been offered. Such rewards are not payable to the police but can be paid to police informants. A Detective Inspector approached him and suggested that he '*invent*' an informant, claim the reward on the 'informant's' behalf and then share the proceeds with the Detective Inspector. Former DCS Cook said that the Detective Inspector told him that if he reported the approach to senior officers, he could '*kiss his CID career goodbye*'.[29]

45. The failure to deal properly with officers against whom allegations were made was also related by another retired police officer, who was formerly a Detective Chief Inspector. The retired officer told the Panel that when he was a Detective Constable in South East London in the 1980s, he recruited, as an informant, a man aged in his early 20s, who was the son of a member of a local organised crime family. Sometime later, the officer's divisional Detective Chief Inspector was playing golf with the informant's father and told the man that his son was passing

27 Panel interview with former DCS David Cook, pp1-2, 04 June 2015.
28 Panel interview with former DCS David Cook, p1, 04 June 2015.
29 Panel interview with former DCS David Cook, pp1-2, 04 June 2015.

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information to the police. As a result of this, the informant was beaten by his father and ceased to be an informant. When he found out what had happened, the officer went to see his Detective Chief Superintendent and asked for a transfer. The Detective Chief Superintendent said that the Detective Chief Inspector was '*a daft so and so*' and arranged for the officer's transfer. No action was taken against the Detective Chief Inspector.[30]

46. A former Detective Sergeant told the Panel that, during the time he was a member of an Area Major Incident Pool in North London, he recruited informants who provided information concerning drug trafficking linked to a car-ringing gang. He said that he submitted intelligence logs which were then forwarded to the South East Regional Crime Squad, which had an interest in the case. He also periodically submitted 'reward reports', requesting payment for his informant. It became clear that these reports were going missing, and he believed that they were being intercepted by a Detective Inspector on the Regional Crime Squad, who was then substituting his own informant for the rewards. The former Detective Sergeant complained about this to his Detective Chief Superintendent, who responded that this was a very serious allegation about which the Detective Sergeant should think long and hard. However, he agreed to set up a meeting with the Regional Crime Squad Detective Inspector's senior officer.[31]

47. When the meeting took place, the Detective Sergeant found that he had been '*ambushed*'. When he arrived at his Detective Chief Superintendent's office, he saw that not only was his senior officer and the Regional Crime Squad Detective Inspector's senior officer present, but the Detective Inspector himself was also there. He said that this led to '*a lot of table banging*', during which he accused the Detective Inspector of being corrupt. A few days later, he received a telephone call from another Detective Inspector on the Regional Crime Squad, who told him he was passing on a message from the Detective Inspector to the effect that '*if I wasn't careful, I would have a kilo of cocaine planted in the boot of my car*'.[32]

48. Subsequently, the Detective Sergeant discovered that he was under surveillance by Customs Officers. He was then told that he was under investigation on suspicion of drug importation and money laundering. Fortunately, he was able to demonstrate his innocence and measures were put in place to protect him. It appears that no action was taken against the officer from the Regional Crime Squad.[33]

49. Another former Detective Constable (who had himself been convicted of a serious crime, for which he received a prison sentence) told the Panel of a practice in the Flying Squad: '*If you got posted to their squad the first morning you would find a brown envelope on your desk with money in it. If you didn't accept it then the result was that by lunchtime you were posted back to your old position.*'[34,35]

50. A former Detective Chief Inspector in the Metropolitan Police Fraud Squad told a member of the Panel that in the 1980s it was the practice in at least one police division in South London for 10 per cent of detectives' overtime and expenses payments to be paid each month to the divisional Detective Superintendent. A refusal to pay would result in future overtime and expenses claims not being authorised.[36]

30 Panel interview with the former Detective Chief Inspector, pp1-2, 11 February 2020.
31 Panel interview with a former Detective Sergeant who was a member of an Area Major Incident Pool in north London, p2, 22 October 2019.
32 Panel interview with a former Detective Sergeant who was a member of an Area Major Incident Pool in north London, p2, 22 October 2019.
33 Panel interview with a former Detective Sergeant who was a member of an Area Major Incident Pool in north London, pp2-3, 22 October 2019.
34 Panel interview with a former Detective Constable who related information about an alleged Flying Squad practice, 12 June 2018.
35 Email from the Detective Constable to the Panel, 31 May 2018.
36 Conversation with a former Detective Chief Inspector in the Metropolitan Police Fraud Squad, 2014.

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51. The Panel also read several unsigned and undated draft statements of former DC Duncan Hanrahan, who had played a role in the Morgan One Investigation (see Chapter 1, The Morgan One Investigation). These were part of a series of statements prepared from his intensive debriefing, following his conviction for a number of offences, including attempting to bribe a Detective Chief Inspector in the Metropolitan Police Directorate of Professional Standards.[37] Judging by the context, the statements were taken towards the end of 1999/early 2000.[38]

52. In one of the statements, former DC Duncan Hanrahan recounted that, while serving on the Divisional Crime Squad at Rochester Row Police Station, he learned of the system known as 'Giving a Life'. This was a practice whereby criminals involved in street crime (burglary, robbery, theft and pickpocketing) would pay local police officers in order to operate in a particular area without fear of arrest. Former DC Hanrahan related an incident where he and a colleague arrested a man who became very violent and attempted to escape. The man later explained his actions by saying that, the day before, he had paid a British Transport Police Officer to be allowed to operate freely in the area.[39]

53. The above accounts cover a range of circumstances involving officers of both high and low rank. The Panel has taken no steps to verify them but has no reason to doubt their veracity. If true, they are a vivid illustration of the culture and atmosphere embedded in parts of the police service at the time of Daniel Morgan's murder and in its aftermath.

54. **It is accepted that new law and policy has been introduced over the years in an attempt to prevent such corrupt activities. Nevertheless, this evidence is cited to enhance public understanding of the ways in which corruption has occurred in the past and may indeed continue to occur unless there is rigorous control of the ways in which policing is delivered.**

3.3 Media interest in the murder and police corruption

55. The nature of Daniel Morgan's murder was unusual – in a dark car park behind a South East London public house, with an axe apparently prepared for the purpose (the handle wound with tape, providing a good grip and possibly reducing the likelihood of leaving fingerprints) and wielded with such force that it was embedded in Daniel Morgan's head. Axe murders, premeditated or otherwise, are unusual.[40] A large sum of money in Daniel Morgan's jacket pocket was not taken, indicating that the motive was not robbery.

56. These circumstances alone were sufficient to attract considerable media attention. The police appealed for information through the BBC's *Crimewatch* programme. The depiction by the BBC of Daniel Morgan and some aspects of his private detective work served to emphasise the close relations between the police and some of the work of his firm.

57. The hypothesis that the police might somehow have been involved in the murder, or in undermining the first investigation, was boosted when, at the Inquest into the death of Daniel Morgan in 1988, Kevin Lennon, a former bookkeeper at Southern Investigations, gave

37 The Guardian, '*Jail for Met Officer in Web of Corruption*', Duncan Campbell, 20 March 1999; https://www.theguardian.com/uk/1999/mar/20/duncancampbell.
38 Unsigned and undated draft statements of former DC Duncan Hanrahan, accessed by the Panel on 05 July 2018.
39 Unsigned and undated, 89 page-long, draft statement of former DC Duncan Hanrahan, accessed by the Panel on 05 July 2018.
40 National Injuries Database Full Search Report, National Crime Agency, 13 September 2019.

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evidence reflecting what he had earlier stated to the police in September 1987 as a reluctant witness: namely, that Jonathan Rees had told Kevin Lennon of his wish to have Daniel Morgan murdered and that his '*mates at Catford nick*'[41] would arrange it[42,43,44] (see section 4.1.2 and also Chapter 1, The Morgan One Investigation).

58. Whatever the evidential strength or weakness of the different hypotheses suggesting corrupt police involvement in Daniel Morgan's murder and/or its investigation, they fell on fertile ground in the public domain, generating and attracting a great deal of publicity in the print media. They did so to some extent because there had been, in 1978, well-publicised evidence of police corruption in the Metropolitan Police, particularly within its detective units. Sir Robert Mark, Commissioner of the Metropolitan Police from 1972 to 1977, wrote in 1978 that the Criminal Investigation Department (CID) in the capital was '*the most routinely corrupt organisation in London*'.[45]

59. Sir Robert Mark famously battled, with limited success, to bring the detective branch of the Metropolitan Police under control. A series of scandals and prosecutions demonstrated that some members of the specialised Criminal Investigation Department (CID) detective squads colluded with organised crime and jointly engaged in the very crimes they were created to combat.[46,47] In the late 1970s, a significant number of detectives were convicted of serious criminal offences and sentenced to imprisonment. Hundreds of Metropolitan Police officers were dismissed or required to resign.[48]

60. Operation Countryman, an anti-corruption investigation ordered by the then Home Secretary, was conducted between 1978 and 1982 and focused particularly on the Metropolitan Police Flying Squad. Although eight police officers were prosecuted, none were convicted. Its investigations appear not to have been well received by Acting Commissioner of the Metropolitan Police, Patrick Kavanagh, who assessed the operation in 1982, referring to its lead officer as indulging in '*imagined conspiracies of obstruction*', despite clear evidence that suspected officers were warned of being under investigation before they were interviewed. Acting Commissioner Kavanagh was dismissive of any idea of institutional corruption and considered that the whole climate had changed: '*In my view there is no cause for alarm about the probity of the Metropolitan Police and there is not a substantial measure of corruption.*'[49]

61. The Police and Criminal Evidence Act 1984 introduced procedures which closely regulated the arrest, detention and interview of suspects and were designed in part to deal with corrupt police activities including obstruction, the fabrication of evidence and ill-treatment of suspects.

3.4 Police use of informants

62. The Panel has seen evidence that several people with whom Daniel Morgan associated or worked, and who featured in the initial investigation into his murder either as witnesses or as persons of interest or suspects, were at the time, or had previously been, police informants. Some of these informants were, or had previously been, handled by members of

41 Witness Kevin Lennon, examined by the Coroner, Inquest Day One, INT000001001, p38, 11 April 1988.
42 Witness Kevin Lennon, examined by the Coroner, Inquest Day One, INT000001001, pp15-42, 11 April 1988.
43 Witness statement of Kevin Lennon, MPS038476001, 02 September 1987.
44 Witness statement of Kevin Lennon, MPS032255001, 15 September 1987.
45 Mark. Sir R. (1978) *In the Office of Constable: An Autobiography*, London: Collins, p130.
46 Hobbs D. (1988) *Doing the Business: Entrepreneurship, the Working Class and Detectives in the East End of London*, Oxford: OUP
47 Mark. Sir R. (1978) *In the Office of Constable,* London: Collins, p248.
48 Hobbs D. (1988) *Doing the Business: Entrepreneurship, the Working Class and Detectives in the East End of London*, Oxford: OUP.
49 Acting Commissioner P. Kavanagh, '*The Integrity of the Metropolitan Police*', pp10, 12, 13 and 18, 19 August 1982.

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the investigation team, without the senior officer being aware of the status of the informants and of these relationships. It appears that analogous situations occurred in some of the later investigations into the murder of Daniel Morgan.

63. Informants are usually persons who have been, or are themselves, involved in criminal activity, or who are closely linked to such people. They know about the activities of other criminals and for various reasons (financial reward, leniency from the police in charging or from the courts in sentencing, revenge, the wish to make a clean start, etc.) are willing to divulge information about the crimes with which they, and the criminals with whom they associate, are familiar.

64. Recorded crime is largely known to the police because members of the public choose to tell the police about it, and many crimes are solved because members of the public tell the police who the perpetrator is. But there are categories of crime, such as serious organised crime, drug dealing, crime in areas where there is intimidation and a culture of not talking to the police, that are significantly under-reported and the perpetrators difficult to gather evidence against. It is in these categories that informants are of particular value and even vital for effective policing.

65. Cultivating informants has therefore always been part of the stock in trade of police detectives. However, it is an operational practice which, because it is of necessity governed by principles of secrecy, and implicitly involves trading with criminals or those close to criminals, is recognised to involve high risk of both injustice and police corruption.[50] There can be a fine line between the police knowing about crime and colluding with or engaging in crime.[51] For these reasons, there are now strict rules concerning how informants are dealt with and handled.

66. At the time of Daniel Morgan's murder, the rules were not codified but were contained in a mixture of case law and Home Office circulars,[52,53] supplemented by individual forces' own rules. The use of informants by the Metropolitan Police was governed by 'General Orders and Regulations',[54] complemented by the 'Informant Handling and Development Guidelines'.[55] The procedures set out in the latter document were initially introduced as a three-month '*experiment*' in November 1984[56] but subsequently adopted with amendments and were the precursor of the current national and statutory-based procedures, as set down in Part II of the Regulation of Investigatory Powers Act 2000 and the Code of Practice issued pursuant to Section 71 of that Act. The Code of Practice provides guidance on the use of '*Covert Human Intelligence Sources*',[57] which is the term now used to describe informants, although this Report will continue to refer to them as 'informants'.

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50 Maguire M. (2003) *'Criminal investigation and crime control'* in Newburn T. (ed) Handbook of Policing, Willan Publishing: Cullompton.
51 Maguire M. and John T, (1995), *Intelligence, Surveillance and Informants: Integrated Approaches,* Crime Prevention and Detection Series, Paper 64, London: Home Office.
52 E.g. *R -v- McEvilly & Lee* (1974 Cr. App. R 150).
53 Home Office Circular No. 97/1969, '*Informants who take part in crime*'.
54 Metropolitan Police General Orders and Regulations, Section 20, MPS107540001, pp104-108, paras 61-69, 1982.
55 Informant Handling and Development Guidelines, 2nd Edition, MPS107530001, pp31-38, October 1985.
56 Informant Handling and Development Guidelines, MPS107530001 p8, para 14, November 1984. The latest version supplied to the Panel is the 1985 '2nd Edition'. However, the relevant section of 'General Orders and Regulations' supplied, which refers to but does not quote the Guidelines, contains amendments to December 1988 and refers to the '3rd Edition'. It is not known whether any material changes had been made to the procedures set out in the 2nd Edition, nor the date on which the 3rd Edition was issued.
57 Covert Human Intelligence Sources, Revised Code of Practice, August 2018.

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67. In 1985, the Metropolitan Police relied on a broad definition of an informant that took into account factors such as the person's offending history, access and ability to provide information.[58] The guidelines, General Orders, Home Office Circulars and case law also referred to two types of informant, '*participating*' and '*resident*', as follows:

i. A '*participating informant*' was an informant who participated in criminal activity but to a lesser degree than those on whom he/she informed. Such participation would be with the authorisation and under the supervision of the police, in consultation with the Crown Prosecution Service. There is now no distinction between a simple informant and a participating informant – under the provisions of the Regulation of Investigatory Powers Act 2000, they are both simply 'Covert Human Intelligence Sources'.

ii. A '*resident informant*' was an informant, usually in custody awaiting trial or someone already sentenced, who provided information about serious crime in return for a reduced sentence. Colloquially they were sometimes referred to as '*supergrasses*'. They are now termed '*assisting offenders*' and their use is governed by statutory provisions contained in Part II of the Serious Organised Crime and Police Act 2005.

68. **Participating and resident informants feature at one or more stages of the various investigations into Daniel Morgan's murder, and the Panel has identified concerns with the use of informants in all these categories. Because of the paramount need to maintain the anonymity of informants, in order to protect them from reprisals, it is not possible in this Report to set out in detail all of the Panel's concerns. To the extent it is proper to do so, some are outlined in this chapter and in other parts of this Report.**

69. The guidelines introduced by the Metropolitan Police were intended to reform and strengthen the hitherto loose and inconsistently enforced rules contained in Home Office circulars and case law. It is clear that the guidelines were designed to, and did, undermine the cultural and operational autonomy that detectives had previously enjoyed.

70. The common practice was for detectives to regard informants as their '*personal property*' and jealously to guard their identities. The guidelines emphasised the principle that the '*informant is a servant of the Force not the "property" of an individual officer*'.[59]

71. The guidelines also addressed other defects in the system, for example by the introduction of the role of 'controller', carried out by a senior officer, and by the adoption of a formal system of evaluation of both the reliability of the informant and the accuracy of the information provided.[60,61] There had previously been little strategic control of informants' activities, and records were largely held only locally. Management of the system lacked effective central control and co-ordination, with little 'quality control'. One of the (several) adverse consequences of this situation was that someone could act as informant for more than one police officer – or indeed, more than one law enforcement agency – using more than one pseudonym, without anyone knowing, something which was demonstrated during investigation of the murder of Daniel Morgan (see Chapter 8, The Abelard Two Investigation). One witness, who had previously provided information under two pseudonyms, had to be excluded by the Prosecution because intelligence previously received from that informant was in direct contradiction to some of the information which he had provided to the Abelard Two Investigation.

58 Informant Handling and Development Guidelines, 2nd Edition, MPS107530001, p35, para 7, October 1985.
59 Informant Handling and Development Guidelines, 2nd Edition, MPS107530001, p34, para 6a, October 1985.
60 Informant Handling and Development Guidelines, 2nd Edition, MPS107530001, p36, para 10, October 1985.
61 Informant Handling and Development Guidelines, 2nd Edition, Appendix F, MPS107530001, pp49- 50, October 1985.

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72. There was a recognition in the guidelines that not every officer would adapt to the new policy:

> '*The new tenets involved are fundamental to the success of the scheme, the protection of those involved and the reputation of the Force. It is realised that sceptical officers cannot be coerced to accept the scheme. It is therefore recommended that ONLY those who can readily see its merits be involved. Any officer who finds the principles difficult to accept or understand must be excluded totally and informed that any sources of information he has must either be introduced to a co-operative officer or discontinued altogether.*' [emphasis in original][62]

73. While the Panel is not able to say with certainty that there was a negative impact on the Morgan One Investigation, the fact that the Senior Investigating Officer did not know who was an informant and who was a handler, and what their histories were, had a potentially adverse effect on decisions relating to suspects and how much credence to give to the evidence of witnesses. There is some concern as to whether the informant status of at least one person improperly influenced the police so that enquiries relating to them were not handled effectively.

74. Some examples of the potential for corruption and criminality in the former, less closely managed system prior to the introduction of guidelines, especially in relation to the payment of rewards to informants, are given elsewhere in this chapter (see paragraphs 43-52 above).

75. Even after the adoption of guidelines, practice was not wholly compliant with the theoretical governance provided for by the new rules. As one senior officer, DAC Roy Clark, who had responsibility for anti-corruption activities within the Metropolitan Police, wrote long after Daniel Morgan's murder, there was reportedly little effective management of informant handlers combined with considerable pressure that they get results.[63]

76. There are also some issues concerning the security of informants and of the information they provide. In 2009, a person with whom the Panel has met, wrote to the Metropolitan Police, informing them that he had been handed transcripts of covert recordings made by police at the home of a witness in the Abelard Two Investigation. It was alleged that at the same time he was handed the names of six informants or witnesses in the case. A copy of the letter was given to the Panel. Both the transcripts and the names were passed to the Metropolitan Police by the person, but these have not been seen by the Panel. The Panel has not sought to verify the accuracy of the allegations, but it is not clear what action, if any, the Metropolitan Police took to do so.

77. During the course of a later investigation into complaints made by an informant who had provided information to the Abelard Two Investigation, the Metropolitan Police admitted to the Independent Police Complaints Commission that it had '*lost*' the original of an important sensitive document, signed by the informant and his handler and the handler's senior officer. A copy of the document had not been retained. This was a serious matter, as there was a dispute as to what actions the informant had been authorised to carry out.

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62 Informant Handling and Development Guidelines, 2nd Edition, MPS107530001, p33, para 5, October 1985.

63 Clark R. (2000) 'Informers and Corruption' in Billingsby R., Nemitz T. and Bean P. (eds), *Informers, Policing, Police and Practice*, Cullompton: Willan, pp38-49.

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78. While the present rules concerning the management of informants are a vast improvement on the earlier arrangements, there remains the potential and opportunity for abuse. Compliance is regulated by the Investigatory Powers Commissioner. Any police force or law enforcement agency that takes its responsibilities to prevent and detect corrupt activity seriously will keep their operation under constant review and put in place measures to monitor compliance.

RECOMMENDATION

79. The Panel is concerned that the policies and procedures relating to the use of informants by law enforcement agencies still allow scope for corrupt practices, and it recommends that the Investigatory Powers Commissioner takes this into consideration during inspections.

4 Analysis of the role of corruption

80. This section of the chapter provides examples of corruption related to the murder of Daniel Morgan and its investigation over time. Some of the examples demonstrate multiple types of unacceptable behaviour that might be said to amount to corruption.

4.1 Part 1: Police involvement in the murder

81. Police involvement in murder, conspiracy to murder, planning or organising a murder or aiding and abetting a murder constitute serious crime and represent extreme breaches of the duty owed by every police officer. Likewise, police involvement in ensuring that an investigation of a murder would not succeed in bringing any person responsible for the murder to justice also constitutes a criminal offence, a most serious breach of the duty owed by police officers and is a form of police corruption. It is possible for a police officer to be involved in both the planning and/or execution of a murder, and in undermining subsequent investigation.

4.1.1 The April 1987 arrests

82. Three serving police officers, DS Sidney Fillery,[64] DC Alan Purvis[65] and DC Peter Foley,[66] were arrested in connection with the murder of Daniel Morgan. All were questioned and subsequently released without charge.[67,68,69]

64 Custody record for DS Sidney Fillery, MPS014836001, p9, 03 April 1987.
65 Custody record of DC Alan Purvis, MPS014834001, p2, 03 April 1987.
66 Custody record of DC Peter Foley, MPS014835001, p1, 03 April 1987.
67 Custody record for DS Sidney Fillery, MPS014836001, p5, 03 April 1987.
68 Custody record for DC Alan Purvis, MPS015895001, p3, 03 April 1987.
69 Custody record of DC Peter Foley, MPS014835001, p6, 03 April 1987.

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83. The three police officers were implicated through their involvement in providing security for Southern Investigations at Belmont Car Auctions and the related civil court action, the origin of which was the alleged robbery from Jonathan Rees of £18,280.62 in takings from Belmont Car Auctions. In his report dated 22 January 1988, D/Supt Douglas Campbell based his decision to arrest the suspects on a number of suspected motives, including the possibility that Daniel Morgan had threatened to expose the police officers' involvement with Belmont Car Auctions[70] (see Chapter 1, The Morgan One Investigation).

84. A major focus of the Morgan One and Hampshire/Police Complaints Authority investigations was on police officers 'moonlighting' at the Belmont Car Auctions and the suspected corrupt actions of DS Sidney Fillery while working on the Morgan One Investigation during its first days. However, what was not seriously considered was the possibility that both represented the 'tip of an iceberg' of extensive *local* police corruption which, as a result of developments connected to the Belmont Car Auctions saga, now threatened the integrity of Daniel Morgan's business and livelihood and thus was a matter about which Daniel Morgan felt he had to do something. There was evidence that he had been going to report police corruption (see section 4.1.3 below).

85. The corollary of this possibility is that local officers involved in lucrative corrupt practices – 'moonlighting', selling confidential information, assisting criminals with inside police information (practices that will be illustrated below) – saw both their police careers and pensions under threat, and future, potentially lucrative, options, put at risk by Daniel Morgan's plan to reveal what he knew. The evidence supporting this theory as to why Daniel Morgan was murdered was never seriously investigated, despite the fact that in the years following Daniel Morgan's murder, several of the police officers connected to Daniel Morgan's circles and business were investigated for and convicted of serious crime.

86. D/Supt Douglas Campbell saw the police officers' 'moonlighting' as a serious matter which could have led to dismissal and substantial loss of pay and pension (see Chapter 1, The Morgan One Investigation). The Panel agrees that the 'moonlighting' was a serious matter: it constituted police corruption. The Panel does not agree that it was likely to lead to dismissal. D/Supt Campbell reported his suspicions to the Professional Standards Unit in April 1987, and an Investigating Officer, DCI Roy Sutherland, was appointed. He was replaced in September 1987 by DCI Ernest Anderson, who was replaced by D/Supt Alec Button on 27 June 1988.[71] The report of the disciplinary investigation was completed on 07 October 1988.[72]

87. DS Sidney Fillery had been on sick leave since 08 September 1987 and had received a medical discharge on 20 March 1988.[73] At this distance in time, it is impossible to determine why, when his unacceptable behaviour was known about in March 1987, the disciplinary investigation of DS Fillery by the Metropolitan Police was not completed before he retired on medical grounds in March 1988. Allowing officers under disciplinary process to retire before the conclusion of such process was not uncommon in police forces generally at that time.

88. The two junior officers, DC Alan Purvis and DC Peter Foley, received '*strong words of advice*' from their senior officer,[74] in contrast to the more serious sanctions envisaged by D/Supt Douglas Campbell.

70 Report by D/Supt Douglas Campbell, MPS016002001, pp25 and 47, 22 January 1988.
71 Report by D/Supt Alec Button, MPS015801001, 07 October 1988.
72 Report by D/Supt Alec Button, MPS015801001, 07 October 1988.
73 Sickness records of former DS Sidney Fillery, MPS005107001, p5, 10 November 1988.
74 Report by D/Supt Alec Button, MPS015801001, p42, 07 October 1988.

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89. At the Inquest held in April 1988, the Coroner '*exonerated*' DC Peter Foley and DC Alan Purvis, on the basis that there was nothing to connect them to the murder.[75] The Coroner did not exonerate former DS Sidney Fillery. However, it was not within the power of the Coroner to exonerate anyone, and he should not have made these comments.

90. In 1990, DC Alan Purvis and DC Peter Foley launched a civil action against the Metropolitan Police in respect of their treatment as suspects for Daniel Morgan's murder. During the proceedings, a statement was read out in court which explained that the Metropolitan Police recognised that their arrests should not have taken place.[76] They were awarded damages of £25,000 each.[77]

4.1.2 Allegations by Kevin Lennon

91. Kevin Lennon, former bookkeeper at Southern Investigations, was a reluctant witness in 1987, when, having been secretly recorded by former DCI Laurence Bucknole,[78] he was interviewed about the murder of Daniel Morgan. He only provided his evidence when faced with the recording of his account.

92. Kevin Lennon made statements to the Morgan One Investigation alleging that Jonathan Rees had repeatedly asked him to arrange Daniel Morgan's murder[79] and that in August or September 1986 Jonathan Rees had said: '*I've the perfect solution for Daniel's murder; my mates at Catford Nick are going to arrange it*.'[80] According to Kevin Lennon, Jonathan Rees said that, because the murder would take place in the Catford Crime Squad catchment area, those same officers would be involved in the subsequent murder investigation and thus be in a position to suppress information linking the murder with Jonathan Rees or themselves (see Chapter 1, The Morgan One Investigation).

93. The Morgan One Investigation considered Kevin Lennon's credibility as a witness, in light of minor discrepancies in his statements and his forthcoming prosecution on unrelated fraud charges, which raised the question as to whether he was offering information to the police to gain a reduced sentence. Kevin Lennon's evidence was not fully investigated.[81]

94. Kevin Lennon confirmed his evidence in testimony at the Inquest in April 1988 (see Chapter 2, The Inquest).

95. In 1989 in his final report on the Hampshire/Police Complaints Authority Investigation, DCS Alan Wheeler wrote: '[w]*hilst I consider LENNON has discredited his own testimony his evidence cannot be ignored but my investigation has failed to corroborate his account*'[82] (see Chapter 3, The Hampshire/Police Complaints Authority Investigation). In 1996, DCS Wheeler made a statement in connection with the civil action brought against Hampshire Constabulary by Jonathan Rees and others. DCS Wheeler said that after considering all the contextual information about Kevin Lennon's offences and motives, '*I could not find anything wrong with LENNON's evidence. It stood up as the truth*.'[83]

75 Coroner's summing up, Inquest Day Eight, INT000008001, p130, 25 April 1988.
76 Statement in open court, DC Purvis and DC Foley civil action, MPS105400001, p7, 17 May 1990.
77 Letter to Russell Jones & Walker, MPS035776001, p1, 29 April 1994.
78 Report by D/Supt Douglas Campbell, MPS022269001, p31, 22 January 1988.
79 Witness statement of Kevin Lennon, MPS010528001, pp14-18 15 September 1987.
80 Witness statement of Kevin Lennon, MPS010528001, p22, 15 September 1987.
81 Kevin Lennon died on 07 February 2018.
82 Final Report of DCS Alan Wheeler to the Police Complaints Authority, p82, MPS060685001, 04 September 1989.
83 Witness statement of former DCS Alan Wheeler, HAM000315001, p7, 24 July 1996.

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96. In February 2010, former DCS Alan Wheeler and former DCI Paul Blaker (from the Hampshire/Police Complaints Authority Investigation) told officers from the Abelard Two Investigation that, in their view, Kevin Lennon was telling the truth about Jonathan Rees and his (Jonathan Rees's) requests to find someone to murder Daniel Morgan. They said that '*their concerns for his credibility centred around the fact that he was charged with Fraud*'.[84]

97. The Abelard Two Investigation considered Kevin Lennon's evidence, investigated it further, interviewed him and cited his evidence in the report to the Crown Prosecution Service. Kevin Lennon agreed to give evidence, although he did not wish to do so in open court. He was one of the nine witnesses whom the Prosecution intended to use in the trial. The Prosecution's case collapsed when three of the witnesses (not including Kevin Lennon) were either withdrawn by the Prosecution or their evidence was ruled as inadmissible by Mr Justice Maddison. Kevin Lennon's evidence, on its own, would not have been a sufficient basis for a prosecution.

4.1.3 Allegations that Daniel Morgan planned to reveal police corruption

98. It was alleged that Daniel Morgan had planned to reveal police corruption possibly by telling another police force about it and that he was murdered to prevent him disclosing police corruption. Individuals linked with organised crime and allegedly to corrupt police officers were associated with a Range Rover recovered from Malta by Daniel Morgan in February 1987. An officer from West Yorkshire Police told the Morgan One Investigation the day after the murder that he had been in contact with Daniel Morgan and wished to take a statement from him. West Yorkshire Police were investigating individuals suspected of committing major fraud and one of those individuals had removed the Range Rover which had been recovered by Daniel Morgan.[85] That individual was on bail in London at that time (he had answered his bail in London at 5.30 pm on the day of Daniel Morgan's murder). There was some investigation of the allegation by the Morgan One Investigation and by the Hampshire/Police Complaints Authority Investigation, but there remained outstanding lines of enquiry at the end of both investigations.

99. Another alleged scenario was that Daniel Morgan was planning to expose police corruption through the media. In May 1987, the Morgan One Investigation was informed that Daniel Morgan had information about illegal police activities that he had been attempting to sell to newspapers.[86] In the course of investigating this line of enquiry, statements were obtained from Bryan Madagan, a business associate of Daniel Morgan, who said, on 22 May 1987, that Daniel Morgan had told him that a Sunday newspaper had offered him '*a sum in the region of £250,000 for an expose on his business – client relationship with regard* […] *to how he obtained his information*'.[87] In a subsequent message to DC Kinley Davies on 09 June 1987, Bryan Madagan said that Daniel Morgan had sold stories to various papers.[88]

100. Sylvia Jones, a *Daily Mirror* reporter, stated at the time of the murder that Daniel Morgan '*used to deal with the press a lot*'[89] and had in the past attempted, apparently without success in her case, to sell stories to journalists.[90] Another *Daily Mirror* reporter, Anton Antonowicz, said that Daniel Morgan was '*always on the make for money for storys* [sic]'.[91]

84 Message M1661, MPS001498001, p2, 04 February 2010.
85 Message M71, MPS012131001, 11 March 1987.
86 Witness statement of Anthony Pearce, MPS010463001, 21 May 1987.
87 Witness statement of Bryan Madagan, MPS010404001, 22 May 1987.
88 Message M295, MPS012355001, 09 June 1987.
89 Message M53 Morgan One Investigation, MPS012112001, 12 March 1987.
90 Message M53 Morgan One Investigation, MPS012112001, 12 March 1987.
91 Action A1529, MPS014644001, p2, 04 February 1988.

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101. In August 1987, DC Kinley Davies reported to the Morgan One Investigation that information had been received some months previously from Peter Wilkins (a retired Detective Constable who worked with Southern Investigations) that Daniel Morgan had been preparing an exposé of police corruption for which he had been offered £250,000 and had been in contact with an '*investigative journalist from a Fleet St "Sunday"*'.[92] In a statement given to the Morgan One Investigation subsequently, former DC Peter Wilkins denied knowledge of the matter.[93]

102. The efforts by the Morgan One Investigation to explore this possibility were inadequate, relying mainly on questions asked by the Metropolitan Police senior information officer of his media contacts, who did not work for the Sunday newspapers (see Chapter 1, The Morgan One Investigation). The investigation team did not pursue this line of enquiry about the Sunday newspapers fully and did not focus on the type of newspapers alleged to have been involved. The Hampshire/Police Complaints Authority Investigation also examined this matter, but nothing was found.

103. In April 1988, D/Supt Douglas Campbell testified at the Inquest that he had examined the possibility that Daniel Morgan had intended to sell a story of police corruption and said: '*I could find no evidence at all.*'[94]

104. **Had Daniel Morgan been in contact with the media about police corruption, it is likely that any newspaper or journalist he had contacted would have reported this after his murder. This did not happen. It is unlikely that Daniel Morgan had given details about police corruption to any member of the media before his murder. However, it is possible that Daniel Morgan had talked about such a plan with people whom he knew.**

105. Another possible scenario suggested in the media was that Daniel Morgan's murder was linked to the death of DC Alan Holmes, known by his nickname 'Taffy'. He was a serving police officer until his death by suicide on 28 July 1987. Separate allegations were made, by Jonathan Rees and by former PC Derek Haslam, who was close to Jonathan Rees and had, at one stage, acted as his driver after a Christmas party when Jonathan Rees could not drive himself,[95] that Daniel Morgan and DC Holmes were associates, and that they wanted to sell information regarding police corruption (see Chapter 1, The Morgan One Investigation).

106. D/Supt Douglas Campbell and DCS David Banks, who was making enquiries into allegations against Commander Ray Adams and the role of DC Alan Holmes in alerting Commander Adams to the police investigation of him, both confirmed that no link between Daniel Morgan's murder and DC Holmes' suicide had been found (see Chapter 1, The Morgan One Investigation).

107. The Panel has looked extensively at the suggestion that Daniel Morgan was working with DC Alan Holmes to expose police corruption. The Panel has found evidence that the story of a link between Daniel Morgan and DC Holmes was told by Jonathan Rees to several individuals. The Panel has not been able to identify any persons other than Jonathan Rees, former PC Derek Haslam and David Bray, who have said they had direct knowledge that Daniel Morgan and DC Holmes knew each other.

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92 Message M423, MPS012483001, 06 August 1987.
93 Witness statement of former DC Peter Wilkins, MPS034134001, p1,14 December 1987.
94 Witness D/Supt Douglas Campbell, cross-examined by June Tweedie, Inquest Day Five, Inquest day five, INT000005001, p63, 15 April 1988.
95 Witness Statement of PC Derek Haslam, MPS010635001, pp7-8, 16 November 1987.

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108. In June 2016, the Panel interviewed former PC Derek Haslam. He said that DC Alan Holmes had told him that he had a story involving police corruption that Daniel Morgan was negotiating to sell to the press for £250,000 on their behalf.[96] There is no evidence in the papers available to the Panel that former PC Haslam had told any of the previous investigations that DC Holmes had told him this; rather former PC Haslam had repeatedly said that he had been told this by Jonathan Rees.

109. In 2017, David Bray, who had worked with Daniel Morgan, contacted the Panel expressing a wish to speak about his knowledge of the case. Among the matters discussed during the course of two interviews and a lengthy telephone conversation, was the question of the relationship between Daniel Morgan and DC Alan Holmes. David Bray asserted that in early 1987 he had been present at two meetings between Daniel Morgan and the police officer[97] (see Chapter 1, The Morgan One Investigation). David Bray did not mention this in any of the 13 statements he had made over the years to police officers investigating the murder.

110. The Morgan One Investigation did follow up many lines of enquiry related to the issue of possible police involvement in the murder, but it did not rigorously or systematically pursue all the complexities of a murder case that included allegations of police corruption.

D/Supt Douglas Campbell's worries about police corruption caused him to ask the Professional Standards Unit to take over the murder investigation. His request was denied.

The Hampshire/Police Complaints Authority Investigation did not follow up all the lines of enquiry related to police corruption rigorously and systematically, even though this was the focus of its Terms of Reference, and some significant work by the Hampshire/Police Complaints Authority Investigation team on this aspect was not included in DCS Alan Wheeler's final report to the Police Complaints Authority.

Subsequent investigations uncovered information indicating corruption at the time of the murder, but due at least in part to the passage of time, investigating these lines of enquiry proved unfruitful.

The Panel has not seen evidence that Daniel Morgan was killed to prevent him exposing corruption. Having considered the available documentary evidence, the Panel cannot conclude there was police involvement in the murder.

4.2 Part 2: The role of corruption in the murder investigations

111. The Panel's Terms of Reference leave open the question as to whether corruption affecting the investigation had the unintended consequence of preventing convictions of any persons for the murder, or whether it was inspired by a general aim to prevent any convictions for the murder or by a specific aim to protect a particular individual or group known to be responsible for the murder. This reflects an ambiguity also present in the acknowledgements and admissions made over the years by the Metropolitan Police.

96 Panel interview with former PC Derek Haslam, pp51-52, 01 June 2016.
97 Panel interview with David Bray, p1, 28 November 2017.

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4.2.1 DS Sidney Fillery's role and relationship with Jonathan Rees

112. The Metropolitan Police admissions about the role of police corruption in relation to the investigation of the murder of Daniel Morgan centre on DS Sidney Fillery, but there has been no clear explanation as to precisely how corruption on his part prevented the police from solving the murder and bringing the culprits to justice.

113. The relationship between Daniel Morgan, Jonathan Rees and police officers including DS Sidney Fillery was strong and mutually beneficial. Jonathan Rees and Daniel Morgan both socialised very regularly in various public houses with police officers and attended at least one police Christmas party, and they worked closely with police officers.

114. Jonathan Rees's relationship with DS Sidney Fillery was particularly close:

i. At various times, Jonathan Rees passed information he thought might be helpful to the police, to DS Sidney Fillery and DCI Laurence Bucknole.

ii. On behalf of the solicitor Michael Goodridge, Jonathan Rees at times represented clients who had been arrested.[98] This involved further visits to the police station.

iii. In the three days after the murder, DS Fillery was repeatedly in Southern Investigations with Jonathan Rees. His diary shows that he was there twice on 11 March 1987, once at 11.00 am, and later at 4.30 pm '*to Thornton High St re information*'.[99] He was there again on 12 March 1987 having been to the Golden Lion public house at 1.30 pm for '*drinks for others*' and, '*seeking info then Thornton High St*' at 5.00 pm, he had a meal at a café, and then went to Southern Investigations.[100] On 13 March 1987, he went to Southern Investigations at 11.00 am, possibly to collect information which was allegedly subsequently placed in the boot of his car, and then to court.[101]

iv. Some police officers stated that they had thought Jonathan Rees was a police officer, such was the frequency of his presence in the police station.[102]

v. DS Fillery took Jonathan Rees with him on police business, such as the visit to a witness who wished to provide information to the murder investigation.[103]

vi. When Jonathan Rees was arrested for murder in 1987, a police file and a police property bag, relating to one of DS Fillery's cases, was found in the boot of Jonathan Rees's car (see Chapter 1, The Morgan One Investigation). Jonathan Rees said that the items had been left there by DS Fillery when they had been at court together.[104]

115. At the request of D/Supt Douglas Campbell, a document was prepared for the Morgan One Investigation by DS Sidney Fillery, which illustrated his close relationship with Jonathan Rees. It contained the following information:

'*(1) I first met REES whilst attached to the R.C.S. (C.O. Squad) in 1982 or 1983. I met him at "PR", with our D.I. at the request of D.C.I. Bucknall.*

98 Witness statement of Michael Goodridge, MPS010250001, pp1-2, 14 March 1987.
99 Copy of duty sheets of DS Sidney Fillery 090387–150387, MPS025677001, p2, undated.
100 Copy of duty sheets of DS Sidney Fillery 090387–150387, MPS025677001, p2, undated.
101 Copy of duty sheets of DS Sidney Fillery 090387–150387, MPS025677001, p3, undated.
102 Witness statement of PC Derek Haslam, MPS010631001, p2, 10 April 1987.
103 Witness statement of a business associate, MPS000394001, pp2-3, 01 May 1987.
104 Witness Statement of D/Supt Douglas Campbell, MPS010913001, p2, 06 April 1987.

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'(2) We became involved in a long and fairly complicated enquiry with REES, involving a massive, organised, theft by employees. We met REES regularly and at some stage met MORGAN.

'(3) I became aware that REES has several friends within the Force, especially on "Z" District. From conversation I think some can be described as close friends. (In case of difficulty a talk to Laurie Bucknall ex-D.C.I. [sic]*).*

'(4) I have kept in regular contact with REES (he always uses the name John or Jonathan, never William) since.

Mostly because I was eventually transferred from the R.C.S. to South London and thus stayed in his "catchment" area.

'(5) I see him on average once a week although it often goes longer than that before we "coincide".

'(6) Invariably we meet in a pub on Catford Division's ground. We have been in most of the pubs together. Often we were with other officers.

'(7) From conversations with him it is obvious he knows many officers in and around the M.P.D. especially "Z" District.

'(8) Although I strongly suspect that he has a facility to obtain N.I.B. checks etc. he [sic] *has never approached me (REES or MORGAN) to that effect.*

'(9) I was often treated as a sort of "technical adviser" by REES, i.e. when he had a crime he was investigating he would discuss his ideas with me and I would advise him on the possible repercussions or evidential practicality of such action.

'(10) REES has been involved several times with other officers by catching criminals "off duty" and giving evidence. To his credit he has been commended a couple of times for these actions.'[105]

116. There is no further information about this document, but it clearly articulated Jonathan Rees's very close relationship with police officers.

117. Former D/Supt Douglas Campbell told the Panel in July 2016 about the reasons why he sought to arrange surveillance on Jonathan Rees by an outside police force, saying that:

'[m]y reasoning behind the request for an outside Force to carry out surveillance on Rees was that I strongly suspected that the investigation was being hampered by his Police "friends" of which he appeared to have many and which I am sure increased once I had caused the three officers to be arrested. I wanted to find out who he was associating with including police officers, criminals and other individuals.

'It was my judgement that it would need an outside Force for the surveillance to be successful.'[106]

105 *'NOTES OF SID FILLERY'S RELATIONSHIP WITH REES'*, MPS011583001, pp2-3, undated.

106 Email from former D/Supt Douglas Campbell to Panel member, Michael Kellett, 13 July 2016.

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118. Former D/Supt Douglas Campbell also responded to questions about his request for an outside police force to take over the investigation, saying that:

> '[m]*y contacts with Commander Fry were normally carried out through Detective Chief Superintendent Shrubsole, my immediate senior officer. I would have discussed my request with Mr Shrubsole and asked him to seek Mr Fry's approval. I do not recall any discussion direct with Mr Fry and I certainly was not told why he refused the request. I do consider that it may have been because he refused my initial request for an outside Force to take over the murder investigation when it was suspected that Police Officers were involved, as discussed at my meeting with him and Commander Merton just prior to the officers being arrested.*
>
> '*If in both instances he had agreed he would have had to seek approval with senior management at Scotland Yard. You will have noted that the decision to call in Hampshire Police was taken by Assistant Commissioner John Smith who I am sure would have sought the approval of the Commissioner Sir Peter Imbert.*
>
> '*Obviously to this day it bugs me as to why this action was never taken.*'[107]

4.2.1.1 Metropolitan Police 'précis' of DS Sidney Fillery's suspected corrupt practice

119. In answer to the Panel's queries as to what was meant by the Metropolitan Police's references to police corruption as '*a debilitating factor*'[108] in the original murder investigation, the Metropolitan Police provided the Panel with a *précis* about '*Fillery's suspected corrupt practice*',[109,110] containing the following ten points:[111]

> *(1)* '*Came off the Clapton murder that day and must have told REES at the meeting on 9th March 1987*[.]
>
> *(2)* '*3 meetings with REES in run up to 10th March 1987*[.]
>
> *(3)* '*Meeting with REES,* [DC Michael] *Crofts,* [PC Derek] *Haslam,* [Paul] *Goodridge at Prince of Wales PH, Thornton Heath on 13th March 1987.*
>
> *(4)* '*Presence/working at Belmont car auctions.*
>
> *(5)* '[Peter] *Newby gave Belmont car auctions FILLERY file which subsequently appeared very slim/missing.*
>
> *(6)* '[Kevin] *LENNON told REES officers from Catford Crime Squad would organise MORGAN's death.*
>
> *(7)* '*Fillery took Morgan's place as predicted by LENNON*[.]
>
> *(8)* '*Evidence of officer* [Police Officer N21] *corrupt practices in Fillery's crime squad.*
>
> *(9) Statement of REES, taken by FILLERY is generally of a poor quality but also lacks any detail in relation to the two known motives. Belmont Car auctions and Margaret*

107 Email from former D/Supt Douglas Campbell to Panel member, Michael Kellett, 13 July 2016.
108 Metropolitan Police Authority briefing note, MPS109561001, p6, 29 March 2011.
109 Letter from DLS to the Panel's solicitors, Fieldfisher, 21 March 2018.
110 Précis of Evidence of Conspiracy against Sidney Fillery, MPS109910001, undated. Sent to the Panel 21 March 2018
111 The *précis* comprised bullet points, but the Panel has numbered them for ease of reference.

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Harrison. FILLERY was careful to avoid mentioning HARRISON but did mention two other women with whom MORGAN had affairs. He also allowed Rees to detail an event which he knew to be a lie as he was there at the time.

(10) '[Person X8] *states Fillery had a network of corrupt police contacts within the criminal underworld.*'

120. The Panel has been told by the Metropolitan Police that the *précis* was drafted by DS Gary Dalby on 23 January 2013 as a briefing for Home Office officials on 30 January 2013, in the context of discussions about setting up the Daniel Morgan Independent Panel. DS Dalby told the Panel that he had originally created it as a 'personal aide mémoire'.[112] The briefing had been subsequently amended on a number of occasions. Former DS Dalby told the Panel in November 2020 that '*the* précis *was never intended to be shown to anyone*'.

121. The Panel asked DS Gary Dalby to clarify the reference to three meetings referred to in point 2 above. He responded: '*I suspect the meetings I was referring to were at the Royal Courts of Justice on 5th March 1987, then later that day at either the Dolphin or Golden Lion. The third would be 09/03/1987 at the Golden Lion.*'[113]

122. The *précis* is imprecise and on occasion incorrect. For example, Metropolitan Police documents clearly show that Kevin Lennon did not tell Jonathan Rees that officers from the Catford Crime Squad would organise the murder (see the *précis*, point 6). The documents show the opposite: Kevin Lennon alleged that Jonathan Rees had told him that officers from the Catford Crime Squad would organise the murder.

123. While it is accepted that '*the* précis *was never intended to be shown to anyone*', this was the only response made to the Panel by the Metropolitan Police in answer to its query about what was meant by the Metropolitan Police's references to police corruption as '*a debilitating factor*' in the original murder investigation.

124. In addition to the matters listed in the Metropolitan Police *précis*, the Panel has identified other alleged behaviour by DS Sidney Fillery that could amount to corruption. For example, in 1988 PC Timothy Grattan-Kane provided information to the Hampshire/Police Complaints Authority Investigation about former DS Fillery's alleged dishonest use of members of his squad to run police checks, each fictitiously recorded as '*drugs enquiry*',[114] and other dishonest activities for personal benefit, such as keeping British Gas stamps which had been seized during police searches (see Chapter 3, The Hampshire/Police Complaints Authority Investigation). PC Grattan-Kane further reported that police officers executed County Court civil warrants during police time, on behalf of Southern Investigations, for which services they were paid.[115] In November 2020, former DS Fillery advised the Panel that he did not know PC Gratton-Kane and denies ever being questioned about these matters.

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112 Email from DS Gary Dalby to the Panel, 03 June 2020.
113 Email from DS Gary Dalby to the Panel, 03 June 2020.
114 Report of a Detective Sergeant, MPS022376001, 12 September 1988.
115 Report of the Detective Sergeant, MPS022376001, p2, 12 September 1988.

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125. These allegations, which had been reported by PC Timothy Grattan-Kane, about DS Sidney Fillery were considered by DS Dennis Stephens, who recommended eight investigative actions, two of which were dealt with:[116]

i. To interview PC Laurence Hart and another officer, who had passed the information to PC Timothy Grattan-Kane. Both officers were interviewed and provided written statements. However, these written statements did not deal with the matters referred to by PC Grattan-Kane, and there is no evidence that they were asked about the allegations.[117,118]

ii. To interview PC Gratton-Kane's Detective Sergeant, to whom he had referred during the conversation. The Detective Sergeant was never interviewed and the action to see him was later marked as '*NFA*' (No Further Action) on the directions of DCS Alan Wheeler, although no reason was recorded for this.[119]

126. No further enquiries were made, and the Hampshire/Police Complaints Authority Investigation did not refer the allegations to the Metropolitan Police.

127. Although these allegations did not fall within the remit of the Hampshire/Police Complaints Authority Investigation, they were allegations of corrupt activity which should have been reported to the Metropolitan Police.

128. Another example concerns Jonathan Rees and DS Sidney Fillery going together to meet a witness, and DS Fillery subsequently withholding information from the Morgan One Investigation. Jonathan Rees had received a telephone call from a business associate from whom Daniel Morgan and Jonathan Rees had previously rented office space, who had said that Daniel Morgan had been having an affair with a married woman. On 12 March 1987, DS Fillery went with Jonathan Rees to see the business associate who provided further information.[120] DS Fillery passed some, but not all, of the information to the Morgan One Investigation. He did not provide the identity of the person supplying the information.[121]

129. **DS Sidney Fillery should have reported receipt of the information from Jonathan Rees, should have conducted his subsequent enquiries with another police officer, not with Jonathan Rees, and should have provided the business associate's details so that further enquiries could be made. This conduct on the part of DS Fillery was improper.**

130. There is no evidence that any further action was taken on this matter. Neither Jonathan Rees nor DS Sidney Fillery were questioned about it. This was a serious omission for which no adequate explanation was given. This matter should have been referred for immediate investigation, as it indicated misconduct by DS Fillery.

116 Report by DS Dennis Stephens, MPS023075001, 12 September 1988.
117 Witness statement of a Police Constable, MPS018202001, 17 October 1988.
118 Witness statement of PC Laurence Hart, MPS018109001, 19 April 1989.
119 Action A487, MPS031884001, 12 December 1988.
120 Witness statement of the business associate, MPS000394001, pp2-3, 01 May 1987.
121 Message M26, MPS012085001, 12 March 1987.

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131. The Panel provides an analysis below of two examples, drawn from the Metropolitan Police *précis* discussed above, illustrating how the original investigation appears to have been compromised by DS Sidney Fillery's conduct.

4.2.1.2 Jonathan Rees's first statement

132. When asked to take Jonathan Rees's statement, DS Sidney Fillery did not declare how close a friend and work associate of Jonathan Rees he was, that he acted as a '*technical advisor*'[122] to Jonathan Rees, nor that he had gone to the Dolphin public house, where Jonathan Rees and Daniel Morgan were drinking on the night before the murder, at about 9.00 pm and invited them to join him and his colleagues at the Golden Lion public house. DS Fillery should have declared this at once and asked to be removed from the investigation, and he should have had no further dealings with the investigation (see Chapter 1, The Morgan One Investigation).

133. DS Sidney Fillery recorded in the statement Jonathan Rees made to him on 11 March 1987 that Jonathan Rees and Daniel Morgan had been in the Golden Lion public house on 09 March 1987 from about 7.30 pm.[123] He knew that this was untrue.

134. In his statement, Jonathan Rees made no mention of DS Sidney Fillery being one of the police officers with whom he and Daniel Morgan had been drinking with during the evening before the murder, in the Golden Lion public house. This was a place they did not usually frequent, at which Daniel Morgan was not known, and which was where Daniel Morgan's body was found in the car park the following night (see Chapter 1, The Morgan One Investigation).

135. There was also no reference in Jonathan Rees's statement to the on-going civil action by Belmont Car Auctions against Southern Investigations, to recover £18,280 belonging to Belmont Car Auctions which had allegedly been stolen from Jonathan Rees in 1986. DS Sidney Fillery and at least two other police officers had attended Belmont Car Auctions with Jonathan Rees, allegedly as security officers (this later gave rise to disciplinary investigation of all three serving police officers for 'moonlighting').

136. The civil action had placed a financial burden on Jonathan Rees and Daniel Morgan and, according to Jonathan Rees, they were at the Golden Lion public house on the night of the murder to discuss how to raise a loan of £10,000. The money was required to be deposited at court to enable Southern Investigations to continue to fight the civil action. DS Sidney Fillery knew of this because he had discussed it with Jonathan Rees and Daniel Morgan on 05 or 06 March 1987.

137. Jonathan Rees referred to a number of women with whom he alleged that Daniel Morgan had had affairs. He did not mention Margaret Harrison.

138. DS Sidney Fillery was an experienced, trained detective. It is implausible that the omissions described above were the result of factors other than a deliberate decision to withhold information from the investigation.

122 '*NOTES OF SID FILLERY'S RELATIONSHIP WITH REES*', MPS011583001, p3, undated.

123 Witness statement of Jonathan Rees, MPS021752001, p5, 11 March 1987.

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139. Once the Senior Investigating Officer, D/Supt Douglas Campbell, became aware of the true extent of the relationship between Jonathan Rees and DS Sidney Fillery, that relationship became an increasingly important line of enquiry in the first murder investigation (see Chapter 1, the Morgan One Investigation).

140. In 2008, during the Abelard Two Investigation, Jonathan Rees, barrister, noted in his advice in relation to charging former DS Sidney Fillery that '*there are pieces of evidence which raise suspicions that he set out to frustrate the investigation into the murder*'.[124] He considered in particular whether the witness statement taken by former DS Sidney Fillery from Jonathan Rees on 11 March 1987 was adequate, and also whether former DS Sidney Fillery should be charged with misfeasance in public office because he had not notified his superiors of his relationship with Jonathan Rees for 48 hours, he had not provided them with an honest account of his relationship with Daniel Morgan, Jonathan Rees and Southern Investigations, and he had not, while still a police officer, told investigating officers of his suspicions about who had murdered Daniel Morgan.[125]

141. Counsel concluded that there was insufficient evidence to charge former DS Sidney Fillery (see Chapter 8, the Abelard Two Investigation).

4.2.2 The Southern Investigations Belmont Car Auctions file

142. The Metropolitan Police *précis* referred to the *'slim/missing'*[126] Southern Investigations file on the Belmont Car Auctions.

143. Peter Newby, the Southern Investigations Office Manager, told the Morgan One Investigation that he had been asked for the Southern Investigations file on the Belmont Car Auctions case by DS Sidney Fillery and had given it to him on 11 March 1987 when DS Fillery attended the office to search Daniel Morgan's desk.[127] The material seized from Southern Investigations that morning was placed in a black plastic bag, taken to Catford Police Station and left in an unlocked office.[128] The contents of that plastic bag were later recorded in Jonathan Rees's statement which was taken by DS Fillery.[129] There is no reference to the file in the statement or in the Morgan One Investigation Exhibits Book. The file could not be found and, ultimately, Jonathan Rees denied that there had ever been such a file. DS Fillery consistently denied having received the file. The Morgan One Investigation did not believe him or Jonathan Rees (see Chapter 1, The Morgan One Investigation).

144. The Hampshire/Police Complaints Authority Investigation was later told that DS Sidney Fillery had conducted a second search at Southern Investigations (the existence of which was previously unknown) and had taken files recovered from Daniel Morgan's desk away in his vehicle (see Chapter 3, The Hampshire/Police Complaints Authority Investigation). This matter was not mentioned in DCS Alan Wheeler's report to the Police Complaints Authority. This was a significant failing particularly given the Terms of Reference of the Hampshire/Police Complaints Authority Investigation and the importance of the allegation that DS Fillery was responsible for the disappearance of the Belmont Car Auctions file.

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124 Counsel's Advice by Jonathan Rees, MPS109700001, p99, 15 April 2008.
125 The Panel has seen nothing to inform this final ground for bringing a charge for misfeasance in public office.
126 Precis of Evidence of Conspiracy against Sidney Fillery, MPS109910001, undated. Sent to the Panel 21 March 2018.
127 Witness statement of Peter Newby, MPS010345001, pp4-5, 30 March 1987.
128 Witness statement of PC Stephen Thorogood, MPS015791001, p2-3, 19 May 1987
129 Witness statement of Jonathan Rees, MPS021752001, pp10-11, 11 March 1987.

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145. In 2002, Peter Newby told the Abelard One/Morgan Two Investigation that about a year after he had handed the Belmont Car Auctions file to DS Sidney Fillery '*on the morning of the murder'*, he had been shown the file.[130] He had been '*astonished to see that the majority of the file was missing*' and told the Abelard One/Morgan Two Investigation that he believed he had told DS Christopher Horne, a Morgan One Investigation team member, that he would not make a statement without access to the full file.[131] When asked about this in May 2003, former DS Horne said that his memory was poor and he could not recall specific details. No statement was taken from him.[132]

146. Peter Newby's statement in 2002 appears to be the basis for the description of the Belmont Car Auctions file as '*slim/missing*' in the Metropolitan Police *précis*.

147. The Panel is satisfied that there was in existence a file relating to Belmont Car Auctions. Peter Newby had identified the file number and had said that Jonathan Rees had given it to DS Sidney Fillery. That file could not be found when the police sought it on 30 March 1987.

148. DS Sidney Fillery was involved in the original investigation for only the first few critical days. By 15 March 1987, D/Supt Douglas Campbell believed that DS Fillery was keeping Jonathan Rees informed about the investigation and that was why he was removed. On 16 March 1987, he and all other officers who formed part of Catford Crime Squad were returned to other normal duties.[133]

149. The documentation shows that DS Sidney Fillery was suspected of corruption by senior officers in the Morgan One Investigation. Initially there were suspicions about DS Fillery and his role in compromising the original investigation, both while he was briefly on the team during the first critical days and also after he left the investigation with the other Catford-based officers on 16 March 1987.

150. One of the questions arising from the lack of prompt action to deal with DS Sidney Fillery's corrupt behaviour is whether there was any connection between that failure and DS Fillery's position as a member of a Masonic Lodge, which may have conferred a status beyond his position as a Detective Sergeant.

151. Concerns about Freemasonry, and the potential for conflicts of loyalty among Freemasons who were also police officers, recur in the documentation, from 1987 onwards (as discussed in the section 8.1.1 below on Freemasonry).

152. **There has never been a clear explanation as to why the Metropolitan Police did not confront and sanction the unacceptable behaviour of DS Sidney Fillery when it occurred. The disciplinary investigation in relation to the three officers working at Belmont Car Auctions took 18 months to complete, concluding in October 1988 after DS Fillery had retired.**

130 Witness statement of Peter Newby, MPS007896001, p1, 25 November 2002.
131 Witness statement of Peter Newby, MPS007896001, p1, 25 November 2002.
132 Action A390, '*TST HORNE N469 re knowledge of the murder of MORGAN* N1', MPS059829001, returned 15 May 2003.
133 Morgan One police file, MPS004821001, p4, 11 March 1987 to 07 February 1989.

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153. When DS Sidney Fillery retired from the police on medical grounds in 1988, he continued to be the subject of suspicion in terms of his alleged corrupting influence on police officers linked to Southern Investigations (later Law & Commercial). Former DS Fillery became a partner in Southern Investigations in June 1989. The business was later considered by the Metropolitan Police to be a hub of corruption (see Chapter 4, Operation Nigeria/Two Bridges and section 7 in this chapter).

154. Former DS Sidney Fillery was suspected in 2002 of orchestrating surveillance of the Morgan Two Senior Investigating Officer, DCS David Cook, by the *News of the World* and of complicity in other attempts to undermine DCS Cook in order to compromise the Abelard One/Morgan Two Investigation (see Chapter 6, The Abelard One/Morgan Two Investigation, and Section 7.3 below).

155. Other examples of corruption apparently not related to the actions or omissions of DS Sidney Fillery, but which occurred during the murder investigations in the 1980s, are illustrated below.

4.2.3 The leak about the impending arrests in April 1987

156. The Morgan One Investigation planned to arrest six suspects on 03 April 1987 in connection with the murder of Daniel Morgan. On 02 April 1987, a man named Len Beauchamp allegedly telephoned another man, Person U25, and told him that six people had been arrested for the murder of Daniel Morgan, among them three police officers. Person U25 approached a freelance journalist in Cambridge, who provided the story to the *Daily Mirror* news desk[134] (see details in Chapter 1, The Morgan One Investigation).

157. Sylvia Jones, a *Daily Mirror* journalist, was contacted by the newspaper that day. She attempted to verify the information by contacting D/Supt Douglas Campbell, who was not available. She said that she could not confirm the information from any other source.[135] She also later stated that she had contacted Southern Investigations and '*may well have warned REES of the impending operation*'.[136]

158. **No reports regarding the arrests which were made on 03 April 1987 appeared in the media until the following day; the media respected the confidentiality of the information.**

159. Subsequently it became known that a private investigator who had been a police officer (former DS John Ross) had been brought into the Morgan One Investigation room on 02 April 1987 by DC Donald Leslie, a member of the investigation.[137] DC Leslie was removed from the investigation by D/Supt Douglas Campbell on 16 April 1987. D/Supt Campbell recorded a decision to '[r]*eturn D.C. Leslie to normal duties*' because he had '*contacts with ex Police Officers who may be connected with Southern Investigations*'.[138]

160. The Metropolitan Police conducted an enquiry into the leak. Attempts to trace Len Beauchamp proved inconclusive (see Chapter 1, The Morgan One Investigation). The Hampshire/Police Complaints Authority Investigation did not pursue actions recommended by DI Rex Carpenter. The Deputy Senior Investigating Officer of the Hampshire/Police

134 Witness statement of Person U25, MPS010825001, pp6-10, 04 November 1987.
135 Witness statement of Sylvia Jones, MPS010814001, pp1-2, 02 November 1987.
136 Message M545, MPS012605001, 02 November 1987.
137 Report R2 of DI Rex Carpenter, MPS027949001, 13 June 1989.
138 Policy Decision 8, MPS017104001, 16 April 1987.

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Complaints Authority Investigation, DCI Paul Blaker, only instructed one of those actions to be carried out, and this was not done (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

161. The failure to respond to DI Rex Carpenter's recommendations, which went to the core of DCS Alan Wheeler's mandate from the Metropolitan Police and the Police Complaints Authority, was a serious failing by the Hampshire/Police Complaints Authority Investigation (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

162. It is probable that some, if not all, of those arrested had warning of the arrests, which would have enabled them to take any action they thought necessary prior to the arrests and afforded them the opportunity to ensure that no incriminating material, should such have existed, was to be found in property owned by them.

This was a major compromise of the Morgan One Investigation. The source of the leak has not been identified with any certainty, nor is it known whether the story was leaked for financial gain, to protect someone, or for some other reason. The person or persons who leaked the information originally would have known they should not have disclosed the information. Therefore, this was a deliberate and corrupt act.

4.2.4 Further allegations of police involvement in the murder

163. Paul Goodridge, an associate of Jonathan Rees and Daniel Morgan, was arrested by the Hampshire/Police Complaints Authority Investigation in February 1989 and charged with the murder of Daniel Morgan (see Chapter 2, The Hampshire/Police Complaints Authority Investigation).[139] After his arrest, while in custody, he made off-the-record allegations about Metropolitan Police involvement in the murder to DCS Alan Wheeler. DCS Wheeler made notes of these, indicating that Paul Goodridge was afraid for himself and his family and had said the following:

> '*There is a big firm involved in this* […] *that is all powerful. I can't tell anyone* [….] *Your lot are ok. I think I might be able to tell you.*
>
> '[…] *The Met Police are a big and powerful firm. There are about seven involved in this.*'[140]

164. DCS Alan Wheeler's notes indicate that he understood Paul Goodridge to be alleging police involvement in the murder of Daniel Morgan.[141] If the allegations had been true, this would have constituted criminal acts by police officers, amounting to serious police corruption.

139 Custody record of Paul Goodridge, HAM000672001, 02 February 1989.
140 Witness statement of former DCS Alan Wheeler, HAM000340001, p70, 24 July 1996.
141 Transcript of pocket notebook entry made by DCS Alan Wheeler, MPS033399001, p3, 02 February 1989.

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165. DCS Alan Wheeler relayed Paul Goodridge's allegations to Roland Moyle, Deputy Chair of the Police Complaints Authority, to Assistant Chief Constable John Wright and DCI Paul Blaker of Hampshire Constabulary, and to the Metropolitan Police Detective Superintendent acting as liaison officer. A file minute by Roland Moyle recorded that '[i]*n view of what Goodridge says Wheeler now appears worried about the possible involvement of Met officers*'.[142]

166. Paul Goodridge was remanded in custody and the following week, when he was visited by a friend, he repeated the allegation he had made to DCS Alan Wheeler. The friend, with Paul Goodridge's knowledge and consent, informed a Detective Constable in the Metropolitan Police whom the friend knew and trusted. On 10 February 1989, on the advice of his superior officer, the Detective Constable spoke on the telephone with DCS Wheeler, confirming what Paul Goodridge had told DCS Wheeler. DCI Paul Blaker took notes of the call (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).[143,144]

167. Paul Goodridge was visited in prison by police officers, ostensibly to gain his consent for access to his medical records. On 13 February 1989, DCS Alan Wheeler received a call from the Crown Prosecution Service who had been telephoned by Paul Goodridge's solicitor about the visit. DCS Wheeler advised that his officers had not been to the prison.[145] When seen by DCS Wheeler on his way to his next appearance at court some days later, Paul Goodridge was non-committal and would not talk to DCS Wheeler. DCS Wheeler took no action on the telephone calls (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

168. The Panel's view is that this visit was probably carried out by Metropolitan Police officers (see paragraph 291 below).

169. Neither Paul Goodridge's allegations, nor the two visits made to Paul Goodridge when he was remanded in custody, were referred to in either DCS Alan Wheeler's report to the Police Complaints Authority, or his report to the Director of Public Prosecutions. The information was not entered onto the investigation's HOLMES database, nor recorded in the policy book or in any document other than in DCS Wheeler's pocket notebook. Only when he made a witness statement in 1996 in connection with the civil action being taken against Hampshire Constabulary by Paul Goodridge did DCS Wheeler refer to the allegations (but not to the prison visits).[146] The Panel has not seen any evidence that these allegations were pursued.

170. DCS Alan Wheeler told the Police Complaints Authority that there was '*no evidence of police involvement*' in the murder of Daniel Morgan. That conclusion was not true. There was no reference in his report to Paul Goodridge's allegations, or to the evidence provided by Kevin Lennon (see Chapter 3, The Hampshire/Police Complaints Authority Investigation). The report should have referred to the information about alleged police involvement in the murder and should have justified the decision not to pursue this line of enquiry.

171. DCS Alan Wheeler, his Chief Constable John Hoddinott and Roland Moyle, Deputy Chair of the Police Complaints Authority, and senior Metropolitan Police officers, were all aware of the allegations involving police corruption and of the lack of follow-up action. These allegations raised serious issues directly related to the Terms of the Reference of the Hampshire/Police Complaints Authority Investigation (see Chapter 3).

142 Extract from Police Complaints Authority minute sheet, by Roland Moyle, MPS034440001, p3, 03 February 1989.
143 Hampshire/Police Complaints Authority M657, MPS030975001, 10 February 1989.
144 Panel interview of a former DCI, PNL000182001, 11 February 2020.
145 Message M658, MPS030974001, 13 February 1989.
146 Witness Statement by former DCS Alan Wheeler, HAM000340001, p70, 24 July 1996.

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172. The Police Complaints Authority should not have accepted DCS Alan Wheeler's final report knowing these matters had not been properly investigated. The interim public statement by the Police Complaints Authority that '[a]*ll matters raised have been investigated thoroughly to the satisfaction of the Police Complaints Authority*'[147] was incorrect and misleading, in so far as it declared the Hampshire/Police Complaints Authority Investigation to have been thorough.

173. Paul Goodridge's allegations were known to Hampshire Constabulary, the Metropolitan Police and the Police Complaints Authority. None of the three organisations raised the issue of the report's omission of this matter. They agreed, whether tacitly or expressly, to hide from the family of Daniel Morgan and from the public in general, the fact that the original Metropolitan Police investigation into the murder of Daniel Morgan had been ineffective and, in many respects, incompetent.

There is no explanation as to why Paul Goodridge's allegations and the alleged prison visit by unidentified police officers were not the subject of investigation. DCS Alan Wheeler took no action in relation to the calls he received about the visit by police officers to Paul Goodridge in prison. Nor did he inform anyone of the calls. Given his Terms of Reference, that DCS Wheeler did not take this opportunity to establish the identity of police officers who may have been involved in an attempt to prevent someone claiming knowledge of police involvement from talking to him is astonishing.

4.2.5 The handling of witnesses in the Abelard Two Investigation

174. The preceding examples fall under what was originally envisaged when the Panel's Terms of Reference were agreed. The following examples reflect further concern about corruption related to the way the most recent police investigation was conducted.

175. There is evidence that DCS David Cook, the Senior Investigating Officer of the Abelard Two Investigation, repeatedly breached the 'sterile corridor' that should have existed between the investigation and an Assisting Offender, Gary Eaton**,** who was being debriefed. Some of these breaches were made known to AC John Yates and others at the time. DCS Cook said that many of the contacts were initiated by Gary Eaton for reasons relating to his welfare, and repeatedly gave assurances that he would have no further contact with Gary Eaton. Despite this, DCS Cook continued to have unauthorised contact. Gary Eaton also repeatedly breached the rules applicable to his status as a witness being debriefed by contacting DCS Cook (for further details, see Chapter 8, The Abelard Two Investigation).

176. The Crown Prosecution Service gave clear advice about the dangers of contamination of the debriefing process through contacts between DCS Cook and Gary Eaton.

177. The debrief should have been discontinued by AC John Yates, but this did not happen.

178. DCS David Cook's contacts with Gary Eaton were incompatible with his ongoing role in the Abelard Two Investigation. The juxtaposition of the timing of calls and the presentation by the witness of new evidence about Daniel Morgan's murder, gave rise to suspicions that the witness had been '*coached*' (see Chapter 8, The Abelard Two Investigation). Mr Justice Maddison said

147 Home Office timeline, Record of interim statement issued 12 February 1990, HOM000376001, p9, 29 October 2004.

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that he was '*satisfied there was improper prompting of some kind*'.[148] The very expensive and lengthy debrief process was regarded as having been compromised, rendering Gary Eaton's evidence inadmissible.

179. DCS David Cook had been managed by AC John Yates, who had not provided for normal line management and oversight of the investigation, despite early concerns raised by two senior officers, Commander David Johnston and DAC Janet Williams (see Chapter 8, The Abelard Two Investigation). While DCS Cook's actions were the immediate cause of the exclusion of Gary Eaton's evidence, responsibility also lay with AC Yates for his failure to oversee the management of the investigation properly.

180. Ultimately the Prosecution withdrew all evidence against the Defendants, and they were acquitted by Mr Justice Maddison.

181. In the subsequent civil case,[149] a High Court Judge, Mr Justice Mitting, found on the balance of probabilities that the Metropolitan Police Commissioner was liable for misfeasance in public office in relation to the prosecution of former DS Sidney Fillery, but that the claims of the other three claimants failed. None of the four claimants was successful in their claims for malicious prosecution (see Chapter 9, Post-Abelard Two). The three claimants whose claims had failed at first instance, Jonathan Rees, Garry Vian and Glenn Vian, then successfully appealed to the Court of Appeal, which unanimously overturned the judgment of Mr Justice Mitting.[150]

182. During the hearing of the appeals by Jonathan Rees, Garry Vian and Glenn Vian, Lord Justice McCombe explained:

> '*The salient reason* […] *was that the Senior Investigating Officer ("SIO"), Detective Chief Superintendent David Cook ("DCS Cook") was found to have compromised the de-briefing of Eaton by making and receiving an extensive number of unauthorised direct contacts with Eaton in the period leading up to Eaton's making of his statements, in contravention of express procedures for keeping a "sterile corridor" between the debriefing officers and the investigation team.*'[151]

183. In her order and final judgment concerning the level of compensation to be awarded to the claimants, on 31 July 2019, Mrs Justice Cheema-Grubb stated, '*there is no place for any form of "noble-cause" justification for corrupt practices in those trusted to uphold the law*'.[152]

184. Damages of £514,000 and costs resulted from these civil actions.[153]

185. Despite the passage of time since the collapse of the Abelard Two Prosecution in 2011, the investigation of former DCS David Cook's conduct with regard to the witness Gary Eaton continued until May 2019. The process involved the Independent Police Complaints Commission (now Independent Office for Police Conduct), the Metropolitan Police and the Crown Prosecution Service.

148 Ruling of Mr Justice Maddison, MPS107506001, p36, para 167, undated.
149 This was the civil claim brought by Jonathan Rees, former DS Sidney Fillery, Garry Vian and Glenn Vian in the High Court against the Metropolitan Police, seeking damages for malicious prosecution and for misfeasance in public office.
150 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587.
151 Rees & Ors v Commissioner of Police for the Metropolis [2018] EWCA Civ 1587, p4, para 8.
152 Rees & Ors v Commissioner of Police for the Metropolis [2019] EWHC 2120 (Admin), para 53.
153 Rees & Ors v Commissioner of Police for the Metropolis [2019] EWHC 2120 (Admin), paras 15 and 54-55.

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186. Operation Megan was an investigation conducted by the Metropolitan Police from 2017 to 2018 into allegations arising from comments made by Mr Justice Maddison during the pre-trial hearings in the Abelard Two Investigation and complaints made by Jonathan Rees. The complaints included alleged misconduct in relation to the Assisting Offender, Gary Eaton, as well as deliberate failure to disclose material to Defence lawyers. (see Chapter 9, Post-Abelard Two). Mr Justice Maddison had found that there was *prima facie* evidence of possible criminal and misconduct offences. These related to former DCS Cook's contact with Gary Eaton and Mr Justice Maddison's conclusion that '*on the balance of probabilities*' former DCS Cook did prompt Gary Eaton.

187. Operation Megan Two was an investigation conducted by the Metropolitan Police from 2017 to 2019. It examined comments made by Mr Justice Mitting in the civil claim at the High Court in February 2017. Relying upon the judgment of Mr Justice Maddison, Mr Justice Mitting commented that former DCS Cook had done an act which tended to pervert the course of justice by breaching the sterile corridor and prompting Gary Eaton to implicate Glenn Vian and Garry Vian in the murder of Daniel Morgan, and concealing the fact that he had done so from the Crown Prosecution Service and Prosecution Counsel (see Chapter 9, Post-Abelard Two).

188. Ultimately, in November 2018 it was decided that no action should be taken against former DCS David Cook. Jonathan Rees appealed against this decision, which was upheld by a different branch of the Crown Prosecution Service in May 2019.

189. The above examples demonstrate that police corruption did occur during the investigation of the murder of Daniel Morgan and was not confined to the first investigation. Some of the examples of corrupt behaviour clearly had the potential to affect the investigation adversely, and to contribute to preventing the person(s) responsible from being brought to justice. The leak about the impending April 1987 arrests is a case in point. The breaching of the sterile corridor between the Abelard Two Investigation and an Assisting Offender, Gary Eaton, cannot be justified on the basis that the intention was to maintain the willingness of the witness to give evidence and to bring to justice those thought to be responsible for the murder of Daniel Morgan.

5 Admissions of corruption in the Metropolitan Police and lack of candour

5.1 Acknowledging the role of corruption generally

190. Since the 1990s, the Metropolitan Police have acknowledged corruption in general terms as an issue and have done so publicly. In 1997 Sir Paul Condon, then Commissioner of the Metropolitan Police, gave evidence to the Home Affairs Committee of the House of Commons, describing

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> '*a minority of officers who are corrupt, dishonest, unethical.* […] *They commit crimes, they neutralise evidence in important cases and they betray police operations and techniques to criminals. These bad officers sap the morale of their honest colleagues and they do immense damage to public confidence* […] *they are very difficult to target and prosecute.*'[154]

191. When asked if he could quantify the extent of the corruption problem, Sir Paul Condon responded with figures which attracted much publicity:

> '*I would hope and believe it is contained somewhere between 0.5 per cent and one per cent. There is a spurious precision to that but I would say somewhere between 100 officers and 250 officers*.'[155]

5.2 Acknowledging the role of corruption in relation to Daniel Morgan's murder

5.2.1 Internal acknowledgement

192. In relation to the murder of Daniel Morgan, there are, in the documentation, various indications that Metropolitan Police officers voiced their concerns internally about corruption from early in the first investigation. In April 1988, during the Inquest into the death of Daniel Morgan, allegations of police corruption were heard and became the subject of considerable media attention. The Coroner stated in his concluding remarks that there had been '*no evidence whatsoever to point to any police involvement in this killing*'.[156] This description of the evidence heard at the Inquest was not accurate and overstated the evidential position. The Coroner had heard Kevin Lennon confirm in his testimony at the Inquest what he had said in his statements to the police: he alleged that Jonathan Rees had told him that his '*mates at Catford*' would help him to kill Daniel Morgan. The Coroner's incorrect remarks were subsequently repeated on 10 June 2004, by the Home Office Minister, Hazel Blears MP, when she set out her reasons for refusing the request for a public inquiry, saying '[w]*e cannot ignore the Coroner's remarks when delivering his verdict of unlawful killing during the inquest, that there was "no evidence whatsoever in this inquest to point to any police involvement in this killing"* '.

193. The Hampshire/Police Complaints Authority Investigation was set up to '*investigate allegations that police were involved in the murder of Daniel Morgan and any matters arising therefrom*'.[157] The Deputy Chair of the Police Complaints Authority, Roland Moyle, recorded DCS Alan Wheeler as saying that '*he feels he will have to look at the whole murder enquiry including FILLERY's involvement, which appears to include picking up documentation from the PI's* [private investigators'] *office, which subsequently disappeared*' (see Chapter 3, The Hampshire/Police Complaints Authority Investigation)[158] This was one of many concerns raised during the second investigation about the behaviour of officers involved in the first murder investigation.

194. However, these concerns were not properly reflected in DCS Alan Wheeler's final report to the Police Complaints Authority.

154 Home Affairs Select Committee (HASC), HC 258-I, First Report – Police Disciplinary and Complaints Procedure, para 1, 15 January 1998; available online at https://publications.parliament.uk/pa/cm199798/cmselect/cmhaff/258-i/ha0103.htm.
155 Home Affairs Select Committee (HASC), HC 258-I, First Report – Police Disciplinary and Complaints Procedure, para 13, 15 January 1998; available online at https://publications.parliament.uk/pa/cm199798/cmselect/cmhaff/258-i/ha0103.htm.
156 Coroner's summing up, Inquest Day Eight, INT000008001, p134, 25 April 1988.
157 Memorandum from Cdr Kenneth Merton to DCS Alan Wheeler, MPS020664001, 24 June 1988.
158 Home Office timeline, Minute of meeting of 15 July 1988, HOM000376001, p4, 29 October 2004.

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195. The view that both the Morgan One and Hampshire/Police Complaints Authority investigations had been effective was wrongly endorsed by the Police Complaints Authority in March 1990 when Gerry Gillman, a senior member of the Police Complaints Authority, wrote to Alastair Morgan, stating:

> '[…] *I would like to stress that the two enquiries carried out by the Metropolitan Police and the Hampshire Constabulary have been most thorough and have produced no evidence of police involvement in your brother's murder*.'[159]

196. The Coroner's remarks, the findings of the Hampshire/Police Complaints Authority Investigation as presented in the final report of DCS Alan Wheeler, and the Police Complaints Authority's acceptance of its conclusions, formed an unsound basis for the subsequent repeated assertions that there was no police corruption associated with the murder or its investigation.

197. A Metropolitan Police summary of the case history dated March 2011 referred to '*the flawed initial investigation caused by corrupt Police Officers*'[160] and stated:

> '[m]*ost notable was the use of Detective Sergeant, Sidney Fillery, who had a close personal and professional relationship with Jonathan Rees. His involvement in the investigation led to the compromise of various critical evidential lines of enquiry*.'[161]

198. The Panel asked the Metropolitan Police to explain which '*corrupt Police Officers*' were being referred to and which '*critical evidential lines of enquiry*' were meant.[162] In response, the Metropolitan Police referred to the role of DS Sidney Fillery and provided a summary of issues relating to him (see paragraph 119 above), and further stated,

> '[a]*s to an explanations* [sic] *you seek. As mentioned in previous correspondence, this is a matter for the Panel to take up with the author including enquiring what underlying material or information that officer had in their possession when making those assertions. I nor my client's current officers can step in the shoes of the authors of those passages. It is unhelpful to speculate.*'[163]

199. **This reply typifies the Metropolitan Police response to the Panel's queries about what is meant by the words which have been used and which are very significant to the family of Daniel Morgan and to the wider public, who have an ongoing interest in the question of whether Daniel Morgan's murderer(s) escaped justice because of police corruption.**

159 Letter from Gerry Gillman to Alastair Morgan, PNL000099001, p285, 27 March 1990.
160 Metropolitan Police proposal to the Metropolitan Police Authority, to consider an ex-gratia payment to Daniel Morgan's family, MPS109485001, p52, March 2011.
161 Metropolitan Police proposal to the Metropolitan Police Authority, to consider an ex-gratia payment to Daniel Morgan's family, MPS109485001, p50, March 2011.
162 Letter to Metropolitan Police from the Panel's solicitors, Fieldfisher, p2, 07 August 2019.
163 Email from Metropolitan Police to the Panel's solicitors, Fieldfisher, 18 September 2019.

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5.2.2 External admission

200. In July 2004, over 17 years after the murder of Daniel Morgan, Caroline Flint MP, a Home Office Minister, stated in Parliament that:

> '*I am informed that the Metropolitan Police accept that the original investigation falls below current investigative standards, but that it was consistent with the standards of the day.*'[164]

201. This was the Metropolitan Police's first public acknowledgement of problems in the investigation of Daniel Morgan's murder.

202. On the issue of alleged police corruption, Caroline Flint MP quoted the Coroner's remarks and Roland Moyle's statement when he expressed satisfaction with the final report of the Hampshire/Police Complaints Authority Investigation.

203. The Panel asked to see any briefing material provided to inform the preparation of the Ministerial statement. The Home Office was able to provide copies of correspondence between the Home Office and Members of Parliament, the solicitor representing members of Daniel Morgan's family, the Metropolitan Police and others, as well as briefing notes prepared for Ministers based on the correspondence.[165]

204. The briefing materials reflected a partial picture of what had occurred since the murder of Daniel Morgan, largely based on the information provided by the Metropolitan Police to the Home Office. Again, there was emphasis on the Coroner's summing up at the Inquest and his conclusion that there had been '*no evidence whatsoever in this inquest to point to any police involvement in this killing*'.[166] The material again referred to the Hampshire/Police Complaints Authority Investigation and the fact that the Police Complaints Authority had confirmed to the Home Office that it was satisfied with the conduct of the investigation and with its findings.

205. The briefing materials also refer, among other things, to a Metropolitan Police document in which DCS David Cook, the Senior Investigating Officer of the overt side of the Abelard One/Morgan Two Investigation, was reported to have said that the investigation had looked for evidence, intelligence or other information that would suggest corruption, but had found none.[167]

206. In response to requests from members of Daniel Morgan's family for a public inquiry, the Home Office prepared a submission to the Minister, which included a draft letter that repeated the Coroner's remarks and the Police Complaints Authority's acceptance of the final report on the Hampshire/Police Complaints Authority Investigation.[168]

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164 Hansard HC Deb, Vol 423, Col 236WH, 06 July 2004; https://hansard.parliament.uk/Commons/2004-07-06/debates.
165 Home Office briefing materials, HOM000022001, pp1-12, 2004.
166 '*Draft Response to letter from Chris Smith MP, Roger Williams MP and Lord Livesey of Talgarth*', HOM000022001, p11, undated.
167 '*Chronology* of events', HOM000019001, p7, 19 April 2004.
168 '*Draft Response to letter from Chris Smith MP, Roger Williams MP and Lord Livesey of Talgarth*', HOM000019001, pp8-10, undated.

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207. The Home Office Minister, Hazel Blears MP, sent a letter dated 08 December 2004 to the solicitor representing members of Daniel Morgan's family.[169] In her letter, the Minister stated that the Metropolitan Police '*have acknowledged to me that there were failings in that first investigation and that it was undermined because of the involvement of certain individuals within the investigation team*'.[170] The letter did not specify how certain individuals had undermined the investigation. This reflects the lack of detail in the briefing material prepared for the Minister, which in turn reflects the lack of detail provided by the Metropolitan Police.

208. The Minister did not use the term 'corruption' in her letter. She quoted the Metropolitan Police's acknowledgement, which is vague and might be interpreted in different ways. The '*failings in that first investigation*' and the undermining of the investigation by individuals within the investigation team might be taken as a reference to mistakes and incompetence or as an oblique reference to corruption.[171]

209. The Metropolitan Police should have been more candid and specific in their briefing to the Home Office Minister, Hazel Blears MP. Her letter was based on the information provided to her.

210. The Metropolitan Police's admission of failings was repeated in October 2005 by Commissioner Sir Ian Blair, in oral evidence given to the Metropolitan Police Authority, when he stated that the Morgan One Investigation had been '*compromised*'.[172] This statement was not in the public domain, as meetings of the Metropolitan Police Authority were not public.

211. Neither the letter from the Home Office, nor Commissioner Sir Ian Blair's comments, specified the way in which it was believed that the investigation had been '*undermined*' or '*compromised*'. The Panel asked former Commissioner Sir Ian Blair, now Lord Blair, what he had meant. He explained that it was a reference to the alleged actions of former DS Sidney Fillery.[173] He could provide no further clarification.

212. In 2006, a report commissioned by the Metropolitan Police Authority into the murder of Daniel Morgan was presented in confidence by DAC John Yates (see Chapter 7, The 2006 Report to the Metropolitan Police Authority). Even though the Terms of Reference included the requirement to indicate whether there was police corruption/collusion or involvement in either the murder itself or in the subsequent failure of investigations, the initial draft report failed to confront the issue of corruption adequately, and went so far as to state the following:

> *'It was beyond any reasonable comprehension, then, as it would be now, despite having measures in place, to think that a Police Officer could have been involved and working against the direction of the enquiry and the interests of the family by destroying evidence or giving the suspects an advantage through informing them of intended police action.'*[174]

169 Letter to Bhatt Murphy from Hazel Blears MP, HOM000380001, 08 December 2004.
170 Letter to Bhatt Murphy from Hazel Blears MP, HOM000380001, p3, 08 December 2004.
171 Letter to Bhatt Murphy from Hazel Blears MP, HOM000380001, p3 08 December 2004.
172 Alastair Morgan Folder 12, '*PROPOSAL BEFORE FULL METROPOLITAN AUTHORITY SITTING*', PNL000110001, p27, 27 October 2005.
173 Panel meeting with Lord Ian Blair, p2, 20 July 2015.
174 The 2006 Report from the Commissioner of the Metropolitan Police Service to the Metropolitan Police Authority, MPS105740001, pp32-33, para 192, 31 January 2006.

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213. The wording in the 2006 Report to the Metropolitan Police Authority reflects a totally inappropriate mindset. It ignores the endemic risk and existence of police corruption. All strategies to prevent police corruption must always involve a recognition of the fact that police officers may commit corrupt acts. It should not be '*beyond any reasonable comprehension*' that an officer might work to undermine an enquiry. Awareness of the risk of corrupt behaviour is a prerequisite for confronting and combatting corruption.

214. Len Duvall, Chair of the Metropolitan Police Authority at the time of the report, stated in interview with the Panel that he wanted the Metropolitan Police to accept that something was wrong with their processes. In his rejection of the first draft of the report from the Metropolitan Police, Len Duvall stated that the report had the tone of '*everything was alright*',[175] which was both wrong and unacceptable.

215. The report was revised. The final version included an admission about corruption generally in the Metropolitan Police:

> '*There can be little doubt that this was a time when corruption in certain parts of the MPS* [Metropolitan Police Service]*, particularly the specialist squads, was endemic. It was only in the mid to late 90s that the true extent of the nature of the corrupt activity came to light and positive action taken to address the issues, both directly and allied with a proper preventive strategy. It is fair to say that the MPS had taken its collective eye off the ball in the 1980s and the result was squads within squads and an appalling level of dishonest activity. This is not something that the MPS can be proud of.*'[176]

216. Even this limited acknowledgement of corruption was included only at the instigation of Len Duvall. This report was shared with members of Daniel Morgan's family but was not published, as the Metropolitan Police Authority did not normally publish such reports.

217. Len Duvall carried out his role as Chair of the Metropolitan Police Authority effectively. He held the Metropolitan Police to account and robustly challenged the first version of the report presented to him.

218. On 10 April 2006, David Riddle, the Deputy Chief Executive and Solicitor to the Metropolitan Police Authority, on behalf of Len Duvall, sent a copy of the 2006 Report to solicitors representing members of Daniel Morgan's family. In the accompanying letter, he wrote:

> '*DAC John Yates has confirmed that in his professional view this case, particularly in the early stages, suffered significantly from the taint of corruption. In particular, the actions and conduct of ex-Detective Sergeant Fillery (and his potential associates) fell well below that which is expected. DAC Yates personally considers that Fillery was both corrupt and a corrupter of colleagues and others. What he cannot say, to the*

175 Panel interview with Len Duvall, pp.2-3, para 13, 20 July 2017.
176 The 2006 Report from the Commissioner of the Metropolitan Police Service to the Metropolitan Police Authority, para 109, MPS109479001, p178, para 109, 07 April 2006.

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> *degree of certainty required, is that he was corrupt around this particular case. This was a deplorable episode in the history of the MPS* [Metropolitan Police Service] *and it is deeply regrettable that the family have not seen anyone brought to justice as yet; a situation made worse through the probable fact that some of those entrusted to uphold the law may have deliberately undermined the initial investigation.*'[177]

219. There is no explanation in the letter as to the identities of the '*potential associates*' of DS Sidney Fillery, and it does not specify whether they included civilian associates or police officers (see Chapter 1, The Morgan One Investigation).

220. The 2006 Report to the Metropolitan Police Authority contained the following paragraph:

> '*Viewing it from what we know, Detective Superintendent* [Douglas] *Campbell was not far from the truth. Sadly to prove their suspicions they needed evidence but the initial weakness in the investigation had probably led to that being destroyed and no longer available.*
>
> '*That weakness was the presence of Detective Sergeant Fillery on the murder investigation and his corrupt relationship with the prime suspect Jonathan Rees.*'[178]

221. A briefing was prepared in 2011 by DCS Hamish Campbell, Metropolitan Police Homicide Command, for Metropolitan Police Authority members about the collapse of the trial of those accused of Daniel Morgan's murder.[179] It contained references to the conduct of police officers, including '*suspicions that Fillery's participation in the first investigation contributed to the compromise of securing critical evidence*'[180] and, in the Abelard Two Investigation, information from witnesses suggesting '*that the actual motive behind Morgan's murder was to prevent him disclosing the criminality of certain persons – and their link to corrupt police officers*'.[181] An earlier version of the briefing note dated 18 March 2011 explained that the Abelard Two Investigation had gathered information that Daniel Morgan was murdered '*to prevent him disclosing the criminality of Rees, the Vian's* [sic] *and their links to corrupt police officers, such as Fillery*'.[182]

222. In 2011, after the Prosecution withdrew its case against Jonathan Rees, James Cook, Glenn Vian, Garry Vian and former DS Sidney Fillery, Acting Commissioner Tim Godwin wrote a letter to Alastair Morgan, saying:

> '*I am deeply sorry that the MPS* [Metropolitan Police Service] *has failed to bring to justice those responsible for the murder of Daniel. The MPS has accepted that police corruption in the original investigation was a significant factor in this failure. As you know, corruption in its various forms formed a major line of enquiry in the most recent investigation.*
>
> '*I recognise how important this is to both you and your family and that the part played by corruption in the original investigation is acknowledged publicly. You are entitled to an apology not only for this failure but also for the repeated failure of the MPS, over*

177 Alastair Morgan Folder 11, Letter from David Riddle to Raju Bhatt, PNL000109001, pp1-2, 10 April 2006.
178 The 2006 Report from the Commissioner of the Metropolitan Police Service to the Metropolitan Police Authority, MPS109479001, pp190-191, paras 186-187, 05 April 2006.
179 Metropolitan Police Authority briefing note, MPS107588001, pp3-7, 29 March 2011.
180 Metropolitan Police Authority briefing note, MPS107588001, p3, 29 March 2011.
181 Metropolitan Police Authority briefing note, MPS107588001, p4, 29 March 2011.
182 Metropolitan Police Authority briefing note, MPS109592001, p134, 18 March 2011.

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many years following Daniel's murder, to accept that corruption had played such a part in failing to bring those responsible to justice.

'[…] *we recognise the consequences of the repeated failure of the MPS over the years to confront the role played by police corruption in protecting those responsible for the murder from being brought to justice.*'[183]

223. **Throughout this process of internal acknowledgement and confidential disclosure to members of the family of Daniel Morgan, the family have been placed in the extraordinary position of receiving a lot of information in confidence, including information about suspected police corruption, without being able to cite it, and without the satisfaction of seeing corrupt officers called to account (see Chapter 12, The Treatment of the Family). What the family was told about the nature of this corruption was tantalisingly imprecise: it comprised little more than innuendo, and yet was repeated on a number of occasions. The Metropolitan Police have provided little detail of the alleged corruption other than the repeated reference to DS Sidney Fillery. There is some evidence in the material available to the Panel to support the allegation that the first investigation of Daniel Morgan's murder was compromised by corruption. There were also other very serious problems with that investigation (see Chapter 1, The Morgan One Investigation).**

224. **In December 2020, the Metropolitan Police acknowledged to the Panel that the scope of corruption surrounding the investigations into the murder of Daniel Morgan went beyond the role of DS Sidney Fillery. The Metropolitan Police claimed they had investigated the possibility that the motive for the murder was to prevent Daniel Morgan exposing general and serious police corruption. The Metropolitan Police stated that this line of enquiry was actively pursued in the Morgan One, Hampshire/Police Complaints Authority and Abelard Two investigations, but that the Metropolitan Police were unable to find any significant corroboration to support it. The Panel does not accept that this line of enquiry was pursued actively or fully in these investigations.**

5.2.3 Public admission

225. The first public admission of police corruption came in the press statement by DCS Hamish Campbell on 11 March 2011, when the criminal proceedings against those charged ended. He said:

'*This current investigation has identified, ever more clearly, how the initial inquiry failed the family and the wider public. It is quite apparent that police corruption was a debilitating factor in that investigation. This was wholly unacceptable.*'[184]

226. A further public statement was made by AC Martin Hewitt on 10 March 2017, the thirtieth anniversary of the murder of Daniel Morgan. It stated:

'*The Met's re-investigation into Daniel Morgan's murder identified, ever more clearly, how the initial inquiry failed the family and wider public. We publicly stated that it is quite apparent that police corruption was a factor in that first investigation. This is wholly unacceptable.*'[185]

183 Letter from Acting Commissioner Tim Godwin to Alastair Morgan, MPS109485001, pp5-6, 30 March 2011.
184 Metropolitan Police Authority briefing note, MPS109561001, p6, 29 March 2011.
185 Vikram Dodd, 11 March 2017, 'Daniel Morgan: how a 30-year-old murder still haunts Britain's powerful', *The* Guardian; at www.theguardian.com/uk-news/2017/mar/10/daniel-morgan-how-private-eyes-haunts-britains-powerful-30-years-on.

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5.3 Lack of candour and obfuscation

227. The Panel requested from the Metropolitan Police the briefings for all the statements acknowledging the role of police corruption in the investigation of the murder, including the public statements made most recently. The Metropolitan Police provided some, but not all, of the briefing material. They wrote to the Panel in June 2019 indicating that they had '*not been able to find any new material to assist*'.[186]

228. In the absence of all the requested briefings, the Panel asked the Metropolitan Police to clarify what lay behind the admissions of corruption. The Metropolitan Police Directorate of Legal Services replied that, in instances where individual police officers had accepted or conceded corruption in the case, '*any clarity required would have to be provided by those officers themselves*'.[187] In June 2019, AC Nick Ephgrave informed the Panel Chair that his team had made enquiries in respect of the intended meaning or intent of Acting Commissioner Tim Godwin's statement of March 2011, but had not been able to find any new material to assist. He suggested that the Metropolitan Police's concerns were likely to be in relation to the conduct of DS Sidney Fillery and the subsequent failure of the Metropolitan Police to obtain sufficient evidence to charge and convict him of any offences connected to the alleged corruption. AC Ephgrave indicated, as had the Metropolitan Police's solicitor previously, that it may be necessary for the individual authors to provide further elucidation.[188]

229. Public statements such as those made by senior Metropolitan Police officers are made on behalf of the Metropolitan Police. The Metropolitan Police as an organisation must be able to provide and explain the reasons for statements made on its behalf, especially where it is making admissions of corruption. It is not acceptable to abrogate the responsibility by referring the Panel to the individuals who made the statements.

230. **What is notable about the various corruption admissions emanating from senior Metropolitan Police officers in the case of Daniel Morgan is that:**

i. **only two of them were public statements;**

ii. **at no point has it been indicated that the suspected corruption related to the murder itself; rather the implication has been that the suspected corruption prevented the successful prosecution of those responsible for the murder;**

iii. **virtually no detail has been given as to the nature of the suspected corrupt behaviour or how it served to undermine the murder investigation;**

iv. **the suspicion of corruption has solely been connected to the 'initial' murder investigation (that is Morgan One); and**

v. **the focus of the imputed police corruption has been almost entirely on one individual officer.**

186 Letter from AC Nick Ephgrave to Baroness Nuala O'Loan, p2, 26 June 2019.
187 Letter from Metropolitan Police to the Panel's solicitors, Fieldfisher, p2, 21 March 2018.
188 Letter from AC Nick Ephgrave to Baroness O'Loan, p2, 26 June 2019.

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231. In internal documents there are multiple references to DS Sidney Fillery's possible role in corruption, and police suspicions about him date back to a matter of days after the commencement of the initial murder investigation (see Chapter 1, The Morgan One Investigation). The Panel has concluded that the Metropolitan Police were justified in some of their suspicions about DS Fillery, for example, in relation to the first statement he took from Jonathan Rees.

232. In 2011, the Metropolitan Police had written of '*the flawed initial investigation caused by corrupt Police Officers*'[189] when proposing to the Metropolitan Police Authority that an *ex gratia* payment be made to the family of Daniel Morgan. The '*corrupt Police Officers*' were not named.

233. The Metropolitan Police have not been able to explain what it meant by its various statements about individual police corruption adversely affecting the investigation of Daniel Morgan's murder. This is an extraordinary situation, given that the concerns about police corruption have been the strongest concern (other than the identification of the murderer(s) of Daniel Morgan) of the members of his family and others, and have created enormous public interest in this case.

234. The examples of corruption provided to the Panel by the Metropolitan Police (see paragraph 119 on the *précis* above) reflect what has been termed a 'rotten apple' model of police corruption, that is, a single officer acting corruptly.[190] The repeated internal references by the Metropolitan Police to the actions or inactions of officers, and notably former DS Sidney Fillery, whether well-founded or not, have tended to divert attention from the wider problems of management and governance identified in the investigation chapters in this Report.

235. The Panel has identified three types of failings. The first is the tolerance of policing that was poor or below accepted standards, as is described in the investigation chapters: for example, the failure to preserve the crime scene, the failure to hold evidence and exhibits in a secure and proper manner, the lack of appropriate management and the lack of compliance with established procedures. This has been accompanied by a failure of senior police officers to acknowledge evidence of police incompetence when it is put before them, and a general tendency for the police service to 'close ranks' and become defensive when challenged.

236. The second type of failing was an historical phenomenon and involved the tolerance and even encouragement of a culture based on regular drinking sessions (usually accessed by car), and an expectation of socialising in local pubs. Regular drinking sessions and drink driving are not features of police culture today. However, there were, and continue to be, issues attaching to the involvement of police officers in 'secret' societies, such as the Freemasons, and police officers mixing with local figures operating on the fringes of legality, including with some private investigators working in the area of local security and used car dealing, debt collection and property recovery.

237. Where failings of type one and two are already present, the scope for corruption is greatly increased.

189 Metropolitan Police proposal to the Metropolitan Police Authority, to consider an ex-gratia payment to Daniel Morgan's family, MPS109485001, p52, March 2011.

190 Newburn T. (2015) *Literature Review – Police Integrity and corruption*, London: HMI Constabulary.

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238. The third type of failing is incontrovertibly corrupt behaviour, including the selling of stories to press contacts, the sale for private gain of police services (such as tracing car registration plate numbers through the Police National Computer) and the planting of false evidence, as in the Simon James conspiracy to pervert the course of justice case, when Jonathan Rees arranged through corrupt linkages with one or more police officers for the police to discover drugs planted in the car of his client's estranged wife, leading to her arrest on drugs charges (see Chapter 4, Operation Nigeria/Two Bridges).

239. As regards the original murder investigation (the Morgan One Investigation), it is not clear in every instance which failings were attributable to corruption and which to incompetence, poor management, failures to comply with national policy and police practice falling far below the expected standards at the time. There are examples of all of these in the first two investigations. The Metropolitan Police's lack of candour both about corruption and about other failings obscures the truth still further. Their repeated assertion that the original murder investigation reflected the standards of the time is just one example.

240. **The Morgan One Investigation failed to comply with national policy[191] when it merged several distinct roles in the administration of the investigation and assigned them to one and the same officer. In the Abelard Two Investigation, roles that were supposed to be carried out by different officers were likewise assigned to a single officer. The national policy on the staffing of distinct roles in the Major Incident Room was designed to safeguard the integrity of investigations into serious crimes.**

241. **The Metropolitan Police did not acknowledge this failing in the first murder investigation at the time. Nor have they acknowledged this failing in the last murder investigation. The repetition in the Abelard Two Investigation of a failure analogous to that seen in the Morgan One Investigation indicates a lesson not learned in the intervening 19 years.**

242. **When failings in police investigations are combined with unjustified reassurances rather than candour on the part of the Metropolitan Police, this may constitute institutional corruption. The Metropolitan Police's culture of obfuscation and a lack of candour is unhealthy in any public service. Concealing or denying failings, for the sake of the organisation's public image, is dishonesty on the part of the organisation for reputational benefit. In the Panel's view, this constitutes a form of institutional corruption.**

243. The Metropolitan Police's lack of candour manifested itself in the hurdles placed in the path of the Panel, such as AC Cressida Dick's initial refusal to recognise the necessity for the Panel to have access to HOLMES (the data system which provides safeguards for the integrity of investigations and also enables independent scrutiny to identify failures), as well as limiting access to the most sensitive information (which was not provided at the Panel's secure premises and was only accessible at a location involving considerable travel time and precluding daily reference and crosschecking; see Chapter 11, for details). It can also be seen in the Metropolitan Police responses to the Panel's 'fairness process' in December 2020.[192]

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191 The Major Incident Room Standardised Administrative Procedures (MIRSAP).

192 The Panel sent 'fairness' letters to all those individuals and organisations it was considering criticising, in order to allow them the opportunity to respond and to make representations as to why they ought not to be criticised. The Panel considered all the responses it received and, where appropriate, either amended or withdrew its draft remarks.

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244. For example, the Panel indicated in its fairness letter that it intended to criticise the Metropolitan Police for not complying with the Major Incident Room Standardised Administrative Procedures (MIRSAP) when the Morgan One Investigation's Major Incident Room merged several management roles and assigned them to an individual officer. This removed a layer of scrutiny and quality assurance from the investigation. If the MIRSAP procedures had been adopted, with different officers performing different roles, this would have provided an important safeguard for the integrity of the investigation.

245. The Metropolitan Police responded that it did not fully adopt MIRSAP until 2015, but it did endeavour to apply the principles of MIRSAP. In 1987, the investigation team utilised the Major Incident Computer Application (MICA), a computer system MIRSAP did not supply guidance for. This system was trialled, but HOLMES became the tool ultimately adopted by police forces throughout the UK. Between 2004 and 2015, the Metropolitan Police used as its reference the London Homicide Manual. This document permitted some variance from MIRSAP due to the volume of murder investigations undertaken in London.

246. The Metropolitan Police had not provided the Panel with a copy of the London Homicide Manual, and the Panel had not been aware of its existence until receipt of the Metropolitan Police response to their fairness letter in December 2020.

247. Lack of candour about past failures is not conducive to better policing, especially when those failures include corruption. There is a risk that, if a police force does not acknowledge corruption and combat it promptly and robustly, some officers may believe they can behave corruptly without consequences. With regard to the murder of Daniel Morgan and its investigation, placing the reputation of the organisation above the need for accountability and transparency did not prevent further corrupt behaviour, for example in and after the Abelard Two investigation.

248. In 2006, the United Kingdom ratified the United Nations Convention Against Corruption, which recognises that '*the prevention and eradication of corruption is a responsibility of all States*'.[193] Under the provisions of the Convention, the state is obliged to '*develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability*'.[194]

193 United Nations Office on Drugs and Crime, 2004, United Nations Convention against Corruption, p6, New York, available at https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf.
194 United Nations Office on Drugs and Crime, 2004, United Nations Convention against Corruption, p9, New York, available at https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf.

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6 Tackling corruption in the Metropolitan Police: legislation, policy and practice during the period of investigations into Daniel Morgan's murder

6.1 The law relating to police corruption

249. Before 2015 there was no statutory offence of police corruption. Officers suspected of corrupt activity were sometimes prosecuted for the common law offences of misconduct in public office, misfeasance in public office, attempting to pervert the course of justice, perjury and conspiracy to commit criminal acts, depending on the circumstances of the unlawful behaviour. This was the position in 1987 when Daniel Morgan was murdered, and investigation of the murder began. The position has changed over the course of the 34 years since then. The Panel has looked at the changing position and the indications of corruption occurring during this long period.

250. A new criminal offence, '*corrupt or other improper exercise of police powers and privileges*',[195] was introduced under section 26 of the Criminal Justice and Courts Act 2015. Announcing plans for the new legislation, the Home Secretary, Theresa May MP, gave the following explanation:

> '*The current law on police corruption relies on the outdated common-law offence of misconduct in public office. It is untenable that we should be relying on such a legal basis to deal with serious issues of corruption in modern policing*.'[196]

251. With the implementation on 13 April 2015 of this new statutory offence, a police officer commits an offence if he or she:

> '*(a) exercises the powers and privileges of a constable improperly, and*
>
> *(b) knows or ought to know that the exercise is improper*.'[197]

252. At section 26(4), the legislation explains that '*a police constable exercises the powers and privileges of a constable improperly if -*

> *(a) he or she exercises a power or privilege of a constable for the purposes of achieving -*
>
> *(i) a benefit for himself or herself, or*
>
> *(ii) a benefit or a detriment for another person, and*
>
> *(b) a reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment.*'[198]

253. The College of Policing and the National Police Chiefs Council now follow similar definitions of corruption based on the section 26 offence.[199]

195 Introduced under the Criminal Justice and Courts Act 201, s26.
196 Hansard HC Deb, Vol 576, Col 1065, 06 March 2014; https://hansard.parliament.uk/Commons/2004-07-06/debates.
197 Criminal Justice and Courts Act 2015, s 26(1).
198 Criminal Justice and Courts Act 2015, s26(4).
199 Briefing to the Panel by the College of Policing, 29 April 2020.

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6.2 The definition of corruption used by the Metropolitan Police

254. The Metropolitan Police did not regard as serious or view as corruption an early example of alleged 'moonlighting'. This is explored in Example A below.

Example A

255. Three serving police officers, DS Sidney Fillery, DC Alan Purvis and DC Peter Foley, were subject to disciplinary investigation for assisting Southern Investigations in providing security at the Belmont Car Auctions. All three officers admitted being present at the auctions but denied being paid; none had informed the Metropolitan Police about attending the auctions.

Evidence emerged that one of the Detective Constables received a benefit in kind: when he had traded in his old car for one of the cars on auction, the car value was inflated to ensure that the officer had the deposit to purchase the car through a finance company.

DS Sidney Fillery took medical retirement before his disciplinary case was completed. The report on the disciplinary case recommended that the two junior officers '*should receive strong words of advice from their Chief Superintendent as to their conduct throughout this matter and their future behaviour*'[200] (see Chapter 1, The Morgan One Investigation).

256. The Panel believes that DS Sidney Fillery, DC Alan Purvis and DC Peter Foley were obtaining work, in addition to their police work, by virtue of their position and skills as police officers and thereby gaining benefit.

257. As the most senior of the three police officers, DS Sidney Fillery's involvement in this matter implied a more serious failure. It is probable that, had the disciplinary process found against DS Fillery, the sanctions would have been more severe than was the case in respect of the two junior officers, DC Peter Foley and DC Alan Purvis. It was not uncommon at the time for police officers under disciplinary scrutiny to retire before the process was concluded. Following sustained criticism of the long-standing pattern of police officers facing the prospect of disciplinary action being allowed to take early retirement, the regulations regarding this option were changed in 2015.[201,202]

258. In October 1997, DAC Roy Clark provided a witness statement, relating to the alleged 'moonlighting', in which he said that Southern Investigations '*had been profiting from the services of a small number of police officers contrary to their duty*'. He stated that '[w]*hilst these matters amounted to discipline offences under the Police Discipline Regulations they do not amount to corruption*'.[203]

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200 Report by D/Supt Alec Button; Complaint against Police, MPS015801001, p42, 07 October 1988.

201 Independent Police Complaints Commission, (2013) *Eleventh Report of Session 2012-2013*, London: The Stationery Office Limited, p28, para 84, see https://publications.parliament.uk/pa/cm201213/cmselect/cmhaff/494/494.pdf.

202 The Police Pension Regulations 2015 came into force on 01 April 2015.

203 Witness statement of DAC Roy Clark, MPS054304001 p3, 30 October 1997.

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259. DAC Roy Clark acknowledged that the officers' conduct amounted to disciplinary offences but did not view it as corrupt. While the Panel agrees that the conduct could be treated as disciplinary offences, it disagrees with DAC Clark's view that it did not constitute corruption.

260. In June 2019, the Metropolitan Police gave further responses to the Panel, indicating that its Directorate of Professional Standards anti-corruption unit has also utilised the following description of '*corruption*' for training and reference purposes:

> '*This involves a direct abuse of position in a relationship of implicit or explicit exchange with others, inside or outside the police organisation. It follows the common idea of corrupt police staff doing or not doing, something for an external or internal "corrupter" for some kind of gain (though not necessarily financial). It will also be taken to mean the breaking of rules and laws by police staff in order to achieve results.*'[204]

261. It is not clear whether this definition was used historically in training. The Panel's remit to examine the connections and corrupt linkages between police officers, private investigators and the media resonates with the reference to a '*relationship of implicit or explicit exchange with others, inside or outside the police organisation*'. This is illustrated by the following example.

262. The historic intelligence which gave rise to Operation Nigeria/Two Bridges described former DS Sidney Fillery and Jonathan Rees as '*deeply involved in corruption, using a network of serving and retired police officers to access sensitive intelligence for the purpose of progressing crime, frustrating the course of justice, and selling sensitive information to the press*'.[205] Operation Nigeria/Two Bridges was undertaken '*to investigate "corrupters of police"* '.[206] The intelligence it gathered indicated that Southern Investigations (which, by May 1999 was trading as Law & Commercial) was acting as a hub for serious and ongoing corruption (see Chapter 4, Operation Nigeria/Two Bridges).

263. It is critical to the Panel's analysis of the role of corruption in the investigations over time to understand how the Metropolitan Police has defined corruption, and on what basis it endeavours to prevent, identify, investigate and combat it. In 1987, when Daniel Morgan was murdered, all allegations of police misconduct and all complaints were investigated by the police, on occasion supervised by the Police Complaints Authority. When the Panel began to receive documents early in 2015, it asked the Metropolitan Police for its definition of corruption.

264. In May 2015, the Metropolitan Police explained that its Directorate of Professional Standards had adopted as its working definition, the definition used by the Independent Police Complaints Commission.[207] The Independent Police Complaints Commission's definition was of serious corruption (which it might investigate) and included:

i. '*any attempt to pervert the course of justice or other conduct likely seriously to harm the administration of justice, in particular the criminal justice system;*

204 Letter from AC Nick Ephgrave to Baroness Nuala O'Loan, p3, 26 June 2019.
205 Application for renewal of surveillance, MPS099739001, p69, 8 December 1998.
206 2000 Murder Review Report, MPS020525001, p77, para 9.4, 06 October 2000.
207 Independent Police Complaints Commission, Statutory Guidance, 2015.

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ii. payments or other benefits or favours received in connection with the performance of duties amounting to an offence for which the individual concerned, if convicted, would be likely to receive a sentence of more than six months;

iii. abuse of authority;

iv. corrupt controller, handler or covert human intelligence source (CHIS) relationships;

v. provision of confidential information in return for payment or other benefits or favours where the conduct goes beyond a possible prosecution for an offence under S55 of the Data Protection Act 1998;

vi. extraction and supply of seized controlled drugs, firearms or other material; or

vii. attempts or conspiracies to do any of the above.'[208]

265. The Metropolitan Police version of the above text, '*Incidents and offences that meet the definition of serious corruption set down by the IPCC* [Independent Police Complaints Commission]', included the addition of the following offences:

i. '*Information leakage to criminals*';

ii. '*Information leakage to the media*';

iii. '*Misuse of authority for sexual advantage (excluding those from searches)*';

iv. '*Theft*';

v. '*Fraud (significant financial gain £1000+); and*'

vi. '*Involvement in production, supply or distribution of controlled drugs*.'[209]

266. **The definition of serious corruption was used by the Independent Police Complaints Commission in determining which instances of corrupt conduct by police officers were sufficiently serious to merit being investigated by the Commission, rather than through the internal police disciplinary process. As it was a definition of '*serious corruption*', it did not purport to cover all corrupt conduct.**

267. The adoption of the Independent Police Complaints Commission's definition of serious corruption as the basis for the Metropolitan Police's working definition of corruption, with a brief list of other criminal offences added by the Metropolitan Police, begged the question as to how the Metropolitan Police regard other examples of corrupt conduct that do not meet the threshold of serious corruption, such as fraud where the financial gain is less than £1,000. The Panel asked the Metropolitan Police about this. They replied that '*it is difficult to conceive of corruption that is not serious*'.[210] This response does not go to the matter at issue. The Panel agrees that corruption is always '*serious*', but there are different levels of seriousness. The Independent Police Complaints Commission definition, and by extension the Metropolitan Police's working definition of corruption, only concerned offences serious enough to be investigated by the Independent Police Complaints Commission.

208 Independent Police Complaints Commission, Statutory Guidance, 2015, p45, para 8.13.

209 Response by D/Supt Neil Hutchinson, '*AC Professionalism Public Inquiry Team Briefing Note: Summary of questions and responses to the Daniel Morgan Independent Panel on 12 May 2015*', p3, 30 June 2015.

210 Letter from the Metropolitan Police to the Panel's solicitors, Fieldfisher, p2,21 March 2018.

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268. The Metropolitan Police responses on the definition of corruption have not referred to the Code of Ethics issued by the College of Policing in July 2014.[211] The Code has a statutory basis[212] and as such applies to all police forces in England and Wales.[213] It sets out principles and standards of professional behaviour for the policing profession in England and Wales; among the principles are honesty, integrity, accountability and openness, all of which are relevant to an analysis of corruption.

269. The Metropolitan Police response to the Panel in June 2019 also stated that, in practice, the Directorate of Professional Standards investigates an officer or member of police staff for a specific criminal offence such as bribery, perverting the course of justice or misconduct in public office, rather than for '*corruption*', since '*corruption*' is not a criminal offence.[214] This ignores the fact that section 26 of the Criminal Justice and Courts Act 2015 had already been brought into force in April 2015, introducing the offence of '*corrupt or other improper exercise of police powers and privileges*'.[215] This important change in the legislation relating to corruption was not mentioned by the Metropolitan Police in its initial response to the Panel, nor in their subsequent responses to repeated requests on this subject. However, the Panel accepts that all the possible offences in the Daniel Morgan murder investigation were committed before 2015.

270. In April 2017, a supplementary Operational Advice Note by the Independent Police Complaints Commission was issued, including material about the change in legislation.[216] In February 2020, the Independent Office for Police Conduct issued revised statutory guidance on the police complaints system, including a revised definition of '*serious corruption*'.[217]

271. The guidance issued by the Independent Office for Police Conduct in February 2020 includes, after the definition of '*serious corruption*', a definition of '*abuse of position*' as:

> '*any attempt by a person serving with the police, whether on or off-duty, to inappropriately or illegitimately take advantage of:*
>
> *i. their position as a person serving with the police*
>
> *ii. the authority their position as a person serving with the police affords them, or*
>
> *iii. any powers conferred on them by virtue of their position as a person serving with the police.*'[218]

272. In 2019, the Metropolitan Police explained to the Panel that, for the purposes of the Mayor's Office for Policing and Crime (MOPAC) and Metropolitan Police Service joint anti-fraud, bribery and corruption strategy, corruption is defined as:

> '*the offering, promising, giving, requesting, receiving or agreeing to accept an inducement or reward (i.e. a bribe), which may influence a person to act against*

211 College of Policing, Code of Ethics, July 2014. This was the first Code issued by the College of Policing, which was established in 2012.
212 As a code of practice issued under section 39A of the Police Act 1996 (as amended by s124 of the Anti-Social Behaviour, Crime and Policing Act 2014). College of Policing, Code of Ethics, p1, para 1.2.1, July 2014.
213 College of Policing, Code of Ethics, p1, para 1.2.2, July 2014.
214 Letter from AC Nick Ephgrave to Baroness Nuala O'Loan, p3, 26 June 2019.
215 Criminal Justice and Courts Act 2015, s26.
216 Independent Police Complaints Commission, Operational advice note, April 2017.
217 Independent Office for Police Conduct, *Statutory Guidance on the police complaints system,* February 2020, p57, para 9.15.
218 Independent Office for Police Conduct, Statutory Guidance on the police complaints system. February 2020, p57, para 9.17.

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the interests of MOPAC/MPS [Mayor's Office for Policing and Crime/Metropolitan Police Service].'[219]

273. The key issue is not that the person is acting against the interests of the Mayor's Office for Policing and Crime and/or the Metropolitan Police, but more importantly that they would be acting contrary to the public interest and to the professional integrity required of every police officer. The public interest and professional integrity of the police should be at the heart of any anti-corruption strategy adopted by the police and explicitly referenced as such. This definition of corruption is not sufficiently comprehensive.

274. The changes made in 2020 to the Independent Police Complaints Commission's 2015 definition by the Independent Office for Police Conduct are of relevance to the Panel's work and include:

i. reference to the new offence of '*corrupt or other improper exercise of police powers and privileges*' introduced by section 26 of the Criminal Justice and Courts Act 2015;

ii. the addition to the text of the '*abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship*', reflecting the work carried out by the Independent Police Complaints Commission and the Independent Office for Police Complaints on complaints about this kind of police conduct;

iii. a new formulation about *the 'provision of confidential information in return for payment or other benefits or favours'* with a reference to the legislation on data protection enacted since the previous definition of serious corruption by the Independent Police Complaints Commission;[220]

iv. the amendment of '*abuse of authority*' to '*any other abuse of position*'; and

v. the extension of the provision of '*attempts or conspiracies to do any of the above*' so that the definition now applies to '*attempts, conspiracies, incitements, assistance or encouragement to do any of the above*'.[221]

275. These changes broaden the behaviours encompassed in the definition used in the 2015 guidance issued by the Independent Police Complaints Commission. However, the 2020 guidance by the Independent Office for Police Conduct does not explicitly list '*Information leakage to criminals*' and '*Information leakage to the media*'. These examples of criminal acts were added by the Metropolitan Police to the definition of '*serious corruption*' which fell within the Independent Police Complaints Commission's guidance issued in 2015 for the purposes of the Metropolitan Police's working definition of serious corruption.

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219 Letter from AC Nick Ephgrave to Baroness Nuala O'Loan, p4, 26 June 2019.
220 Data Protection Act 2018, s170.
221 Independent Office for Police Conduct, 'Statutory guidance on the police complaints system', p55, February 2020, see https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020_statutory_guidance_english.pdf.

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276. In May 2020, in response to the Panel's question, the Metropolitan Police confirmed that it was now using the statutory guidance issued by the Independent Office for Police Conduct in conjunction with guidance prepared by its Directorate of Professional Standards and issued in 2020.

277. **There is risk attached to the Metropolitan Police using a restrictive definition of corruption that concerns only '*serious corruption*'. Less serious corrupt behaviour may not be considered 'corruption' and might be dealt with lightly or overlooked, with the risk of promoting a culture of tolerance of low-level corruption and an expectation of impunity that could encourage some individual police officers to go further and become involved in serious corruption.**

278. Example B below illustrates one of the offences added by the Metropolitan Police to the Independent Police Complaints Commission's definition of serious corruption: information leakage to the media.

Example B

279. By the early 1990s, News International had become a major client of Southern Investigations. The documentation indicates that income came from '*investigating stories and supplying stories*'. The intelligence examined by the Panel concerning former police officers associated with former DS Sidney Fillery, Jonathan Rees and Southern Investigations (later Law & Commercial) includes evidence of behaviour resulting in criminal convictions, dismissals and resignations. One police officer was dismissed from the Metropolitan Police for failure to meet standards of honesty and integrity, having been charged with selling copies of *The Police Gazette* (a confidential police document circulated nationally that contained details of wanted criminals and serious crimes) to Jonathan Rees and with disclosing to the press via Jonathan Rees the time and place of an identification parade involving a major crime figure.

280. The final sentence of the anti-corruption unit's definition broadens it to include police personnel acting corruptly out of a desire to get results. This is illustrated by Example C below.

Example C

281. During the Abelard Two Investigation, DCS David Cook had repeated contact with Gary Eaton, despite his awareness and warnings from DAC John Yates that this was in breach of the requirement that there can be no direct contact between the investigation and the witness who is being debriefed. Mr Justice Maddison decided to exclude the evidence of this witness, because there had been repeated breaches, because he was satisfied that there was improper prompting of the witness and because of the mental health of the witness.

282. Both offences (leakage of police information to criminals and leakage of police information to the media) added to the definition of '*serious corruption*' by the Metropolitan Police in its 2015 guidance are no longer explicitly highlighted in the 2020 Metropolitan Police guidance.

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However, it is very likely that such acts would now fall within the scope of the police corruption offence introduced by section 26 of the Criminal Justice and Courts Act 2015. Both acts are of relevance in the context of the investigations into the murder of Daniel Morgan.

283. Examples D and E below illustrate the leakage of police information to people suspected of criminal offences.

Example D

284. On 02 April 1987, the day before the planned arrests of three police officers and of three other individuals for the murder of Daniel Morgan, there was a leak of this information via a tip to the news desk of the *Daily Mirror*. One of the newspaper's journalists had attempted to verify the information by contacting D/Supt Douglas Campbell. Unable to reach him, she had contacted Southern Investigations and '*may well have warned REES of the operation*'.

Example E

285. During Operation Abelard Two, the Senior Investigating Officer, former DCS David Cook, leaked information about two separate impending arrests to Michael Sullivan, a writer and journalist. Former DCS Cook also disclosed a large amount of police information, including sensitive and personal data, to journalists and others outside the police. He has stated that his behaviour was motivated by a keen desire to reveal what he believed to be the truth about the murder of Daniel Morgan and its investigation. The sharing of information was also motivated, at least in part, by the expectation of profits from publishing the book he was writing with Michael Sullivan about police investigations, including the investigation of the murder of Daniel Morgan. Michael Sullivan appears to have kept confidential the materials provided to him by his co-author. Other information leaked by former DCS Cook was used in the BBC *Panorama* programme (see Chapter 8, The Abelard Two Investigation).

286. **In December 2020, the Metropolitan Police advised the Panel that it uses different definitions of corruption depending on the circumstances. However, they have failed to explain what the different definitions are or what the different circumstances might be.**

6.3 Tackling corruption in practice

287. The following examples, taken from the earliest and the most recent investigations of the murder of Daniel Morgan, serve to illustrate what the Panel means by institutional corruption.

288. The documentation shows that the Morgan One Investigation had already been compromised by serious mistakes and incompetence. Example F below illustrates both this and the failure by senior management to confront corruption promptly.

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Example F

289. Senior managers were alerted to concerns about corruption in the Morgan One Investigation by D/Supt Douglas Campbell's requests to his superiors for the investigation to be transferred to another unit and later for a review of the investigation. Senior officers refused the first request and appointed DCS Douglas Shrubsole, D/Supt Campbell's line manager, to conduct what turned out to be a brief review resulting in a positive assessment of the investigation that was not warranted by the available information or by the limitations of the review (see Chapter 1, The Morgan One Investigation).The documentation shows that the investigation had already been compromised, including through loss of evidence and forensic failures, causing irretrievable damage to the prospect of successfully bringing those responsible for the murder to justice. Senior management was responsible for lack of effective oversight of the first investigation and failure to act promptly to confront corruption.

290. Example G below shows a senior police officer seeking to cover up any possibility of police involvement in the murder of Daniel Morgan.

Example G

291. On 02 February 1989, DCS Alan Wheeler had spoken privately with Paul Goodridge, who was in custody and was charged with the murder of Daniel Morgan. He was fearful of reprisals for giving information to the police. Paul Goodridge alluded to the involvement of Metropolitan Police officers in the murder. DCS Wheeler spoke of his concerns about these allegations with his own senior management in Hampshire Constabulary, with Roland Moyle, Deputy Chair of the Police Complaints Authority, and with senior management in the Metropolitan Police. Following further developments, Paul Goodridge, who was then remanded in custody, was visited by police officers ostensibly to gain his consent for access to his medical records. Further to a phone call from the Crown Prosecution Service telling DCS Wheeler of the police officers' visit to see Paul Goodridge, DCS Wheeler advised that his officers had not been to the prison. Paul Goodridge subsequently refused to engage further with DCS Wheeler.

The Panel concludes that the unknown visitors to Paul Goodridge were in all probability Metropolitan Police officers. DCS Wheeler did not inform anyone of the calls or refer to them in his reports to the Crown Prosecution Service or to the Police Complaints Authority. He did not mention them in the statement he made in connection with the later civil proceedings. Given his Terms of Reference, it is astonishing that he did not take this opportunity to establish the identity of police officers who may have been involved in an attempt to prevent someone who said he had knowledge of police involvement from talking to him. This points strongly to an intention on the part of DCS Wheeler to cover up the possibility of police involvement in the murder of Daniel Morgan (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

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292. Example H below illustrates institutional corruption involving multiple organisations.

Example H

293. DCS Alan Wheeler failed to fulfil the Terms of Reference of the Hampshire/Police Complaints Authority Investigation '*to investigate allegations that police were involved in the murder of Daniel Morgan and any matters arising therefrom*', despite reports from his officers indicating multiple problems with the first investigation, including indications of corruption during the Morgan One Investigation, and despite allegations received at the end of his investigation about police involvement in the murder, which were not followed up properly (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).

The Morgan One Investigation was compromised by serious failures, incompetence and the role of DS Sidney Fillery in the investigation. DCS Alan Wheeler's final report on the Hampshire/Police Complaints Authority Investigation omitted a number of important issues which should have been included. The Police Complaints Authority accepted the report, despite being aware of the omissions, stating that '[a]*ll matters raised have been investigated thoroughly*'. A letter from the Police Complaints Authority to Alastair Morgan stated that the Morgan One and Hampshire Constabulary investigations had '*produced no evidence of police involvement in your brother's murder*'. This was taken as a finding that there was no police corruption involved in the murder. That inaccurate message was repeated for many years.

Three organisations – Hampshire Constabulary, the Metropolitan Police and the Police Complaints Authority – accepted the omissions and inaccuracies in DCS Wheeler's final report, despite their awareness to the contrary. The three organisations failed to ensure that the allegations of corruption received at the end of the Hampshire/Police Complaints Authority Investigation were followed up properly, even though DCS Wheeler had brought this matter to their attention. Their acceptance of his final report and their failure to act cannot reasonably be explained as coincidence or as genuine error.

DCS Wheeler's final report and Roland Moyle's conclusions about the thoroughness of the first two investigations were used for many years to protect the reputation of the Metropolitan Police, as well as the reputation of the Hampshire Constabulary and of the Police Complaints Authority.

These cumulative failures amount to institutional corruption on the part of all three organisations.

294. The inaccurate positive assessment of the Morgan One and Hampshire/Police Complaints Authority investigations also formed the basis for unjustified assurances which were repeated over the years by the Metropolitan Police. Examples of this are set out in various parts of this Report (see Chapter 3, The Hampshire/Police Complaints Authority Investigation, paragraphs 496, 505 and 507; and Chapter 12, The Treatment of the Family paragraphs 90 and 233 for some of the examples). Other officials at senior levels reiterated the assurances based on briefings they received from the police. Some of the repetition may have been due to uncritical

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reliance on what had been said in the past by senior police officers and reaffirmed over many years. The documentation shows that the conflict between public assurances and internal suspicions of corruption remained unresolved for decades.

295. The most recent failure to tackle corruption relates to the investigations into the alleged conduct of former DCS David Cook during and after Operation Abelard Two.

296. Some of these allegations were investigated under Operation Megan and Operation Megan Two. Among the allegations, it was asserted that:

i. Gary Eaton was prompted and/or coached by the Operation Abelard Two investigation team, particularly by DCS David Cook, and was tipped off by the Operation Abelard Two Investigation team that Defence lawyers had discovered that Gary Eaton had lied about his father being dead;

ii. former DCS Cook lied in court when giving evidence during bail applications (it is noted that DCS Cook did not in fact give evidence during the bail application);

iii. the procedures for the debriefing of Assisting Offenders who were willing to give evidence under the Serious Organised Crime and Police Act 2005 were not complied with; and

iv. the Operation Abelard Two Investigation team were aware of, but failed to disclose to the Defence, relevant material.

297. The details of these allegations and the account of these investigations are to be found in Chapter 9.

298. The allegations investigated in Operations Megan and Megan Two were very serious. The evidence in respect of some of those allegations did not meet the threshold for criminal prosecution but, in respect of some of those allegations, would have met the threshold for disciplinary proceedings to determine whether there had been gross misconduct. However, since former DCS David Cook had retired from the Metropolitan Police in 2007, and then from the Serious Organised Crime Agency in 2013, there could be no disciplinary proceedings.

299. Despite the fact that neither criminal nor disciplinary proceedings were brought against former DCS David Cook at any stage (and as explained previously, no disciplinary proceedings could be brought following the retirement of a police officer), his behaviour was corrupt, as was ultimately recognised by all three judges sitting in the Court of Appeal in 2018, hearing the appeal by Jonathan Rees, Glenn Vian and Garry Vian against the findings of Mr Justice Mitting. Exemplary damages were awarded to the three appellants, to '*highlight and condemn the egregious and shameful behaviour of a senior and experienced officer DCS COOK*'.[222] The claimants also received payment of their costs.

300. The investigations of former DCS David Cook's conduct were very protracted, starting in 2011 and finishing in 2020. The Metropolitan Police wanted the Independent Police Complaints Commission to carry out the investigation of Jonathan Rees's complaints. The Commission was not obliged to investigate such complaints and had the right to refer them back to the Metropolitan Police. On 14 June 2013, the Deputy Chair of the Independent Police Complaints Commission, Deborah Glass, wrote to Commander Allan Gibson declining to investigate Jonathan Rees's complaints and the comments made by Mr Justice Maddison in 2011, saying

222 Rees & Ors v Commissioner of Police for the Metropolis [2019] EWHC 2120 (Admin), p12, para 53.

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that '[w]*hile the IPCC* [Independent Police Complaints Commission] *does investigate a small number of corruption cases you are aware that we are not currently resourced to carry out many or large corruption enquiries*'. [223]

301. On 25 October 2013, DCI Fiona McCormack was appointed as the Senior Investigating Officer to conduct an investigation into part of these matters[224] but was unable to secure the resources necessary to conduct the investigation until January 2014.[225] Finally, while the Metropolitan Police searched former DCS David Cook's home in November 2014, and found evidence of significant wrongdoing, even the partial investigation of the matter, which became known as Operation Edison, did not conclude until April 2020, in part because of the limited staff resources.

302. Ultimately, the investigation of the various matters was shared between the Metropolitan Police and the Independent Police Complaints Commission as indicated above (see also Chapter 9, Post-Abelard Two). However:

i. Jonathan Rees's complaints, initially made in 2012, were not finalised by the production of a statement of complaint until 2014;[226]

ii. the Independent Police Complaints Commission initially declined on 03 July 2012 to investigate Jonathan Rees's BBC *Panorama* complaint and the allegations about coaching witness Gary Eaton;[227]

iii. some 15 months later, on 25 October 2013, it was decided that the Metropolitan Police would investigate the matters referred to in (ii) above.[228] Resources were not made available to enable the investigation to commence until January 2014; and

iv. it transpired that there were links between Operation Longhorn (unauthorised disclosure to Michael Sullivan) and the BBC *Panorama* investigation. On 08 January 2015, it was agreed that the investigation into the *Panorama* leakage would be conducted wholly by the Independent Police Complaints Commission.[229]

303. The searches of former DCS David Cook's home in 2014 resulted in the recovery of massive amounts of material. Before any investigation of possible criminal offences could occur, the material had to be examined and classified, and personal material belonging to former DCS Cook and legally privileged material had to be removed, and it had to be assessed for security purposes. Lack of resources meant that the material was made available to the Metropolitan Police investigators, and to the Panel by the Metropolitan Police between 2017 and October 2019. This matter was investigated by the Metropolitan Police under the title Operation Edison (see Chapter 8, The Abelard Two Investigation; and Chapter 9, Post-Abelard Two).

304. **During Operation Abelard Two and in the Post-Abelard Two period, multiple serious failures and wrongdoing became evident: the failure to manage the investigation properly, the failure to disclose evidence to the Defence, the failure to abide by the procedural requirements regarding protected witnesses, the disclosure of large amounts of police information to third parties and the probable prompting of a witness.**

223 Letter from Deborah Glass to Commander Allan Gibson, MPS109847001, pp1-2, 14 June 2013.
224 Decision 42, SIO Decision Log, MPS109902001, p49, 14 October 2013.
225 Decision 49 and Decision 50, SIO Decision Log, MPS109903001, pp3-5, 26 November 2013.
226 Witness statement of Jonathan Rees, MPS109704001, pp40-64, 13 June 2014.
227 Operation Megan Report, MPS109687001, p9, para 5.2, undated.
228 Decision 42, SIO Decision log, MPS109902001, p49, 14 October 2013.
229 Operation Megan Report, MPS109687001, p15, para 7.16, undated.

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305. **The Panel recognises that a great deal of positive work was accomplished by members of the Abelard Two Investigation team. However, the failures identified had significant consequences, including the following:**

i. **Possible risk to the lives and safety of individuals who might be identified as a consequence of the unauthorised disclosures.**

ii. **Possible risk to those to whom information was disclosed as a consequence of their having possession of the material.**

iii. **Suspects being wrongly remanded in custody for lengthy periods of time awaiting trial, and the awards of damages and costs to those remanded in custody because a judge was not provided with all the relevant information.**

iv. **Potential compromise of future criminal investigations and consequential prosecutions.**

v. **Breaches of data protection legislation affecting many individuals who may not have known that their personal details had been disclosed to third parties.**

vi. **Potential further criminality resulting from use of the information disclosed.**

vii. **Distress to the families of victims of crime, including the family of Daniel Morgan.**

viii. **The cost of the ongoing investigations and the cost of investigations such as those which have occurred since 2011 in establishing what had happened and the consequences of what had happened.**

ix. **Damage to the reputation of policing generally and specifically of the organisations which employed former DCS David Cook and whose investigation materials he unlawfully retained, particularly the Metropolitan Police and the National Crime Agency (which succeeded the Serious Organised Crime Agency).**

x. **Consequential mistrust in the future conduct of policing and of the operation of the Rule of Law.**

306. After reviewing the Operation Edison file, the Crown Prosecution Service provided investigatory advice to the Metropolitan Police in April 2020, who subsequently decided not to proceed further with the investigation into former DCS David Cook.

307. **The Metropolitan Police and the Independent Police Complaints Commission were reluctant to investigate the allegations against former DCS David Cook, in part because of serious deficiencies in the way in which anti-corruption investigations are resourced. As a result, the investigations were not conducted in a timely and effective manner. Former DCS Cook was under investigation for eight years. It is essential that such investigations can be conducted in a timely manner so that justice is done. Only then will the police communicate to officers that alleged corrupt activities will be properly and robustly dealt with.**

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RECOMMENDATION

308. The Metropolitan Police must ensure that the necessary resources are allocated to the task of tackling corrupt behaviour among its officers. Without proper resources there can be no effective fight against corruption. Since the Independent Office for Police Conduct has responsibility for investigating such matters, it must also be properly resourced to do so.

309. Former DCS David Cook was able to operate outside many of the laws, policies and procedures which govern policing, without being called to account. The Panel has not been advised of any systematic attempt to identify the procedural weaknesses which facilitated his ability to remove from police custody such vast amounts of sensitive police material, and the onward dissemination of much of it. The Panel can see no reason why the same situation could not arise today.

7 Corruption in the linkages between police officers, private investigators and the media

7.1 Introduction

310. The connections between Southern Investigations, former police officers working as private investigators, serving police officers and representatives of the media, were part of the landscape of Daniel Morgan's working life.

311. One theory as to why Daniel Morgan was murdered was to prevent him revealing evidence of police corruption. Evidence was received during the first investigation supporting this theory.

312. Much later, in November 2006, in evidence to the Abelard Two Investigation, a friend of Daniel Morgan reported that Daniel Morgan had told him that he had found out some '*damning evidence*' about Metropolitan Police officers. The friend said that Daniel Morgan had not disclosed the content of that evidence but had described it as '*so serious that he could not go to the Met police*' and that he had '*made contact with another force to tell them about it*'. Daniel Morgan's friend could not remember which force Daniel Morgan had contacted but thought that it was perhaps the West Midlands Police. He said he believed that Daniel Morgan had arranged to see officers from the other force the week that he was murdered.[230] In fact, an officer from the West Yorkshire Police had arrived at the Southern Investigations offices to speak to Daniel Morgan the day after he was murdered (see Chapter 1, The Morgan One Investigation).

313. **The Panel has made clear that it has found no convincing evidence as to by whom or for what reason Daniel Morgan was murdered. Information which emerged long after the event lends plausibility to a possible motive not fully pursued by the murder**

230 Message M328 Abelard Two Investigation, MPS073227001, pp1-2, 14 November 2006.

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investigations: namely, that Daniel Morgan's immediate professional circle included corrupt police officers and non-police associates, some of whom considered Daniel Morgan to be a threat to their corrupt interests.

314. **A number of former and current police officers working in South London during the 1980s and 1990s had links with Southern Investigation and former DS Sidney Fillery.**

315. In 2006, when Operation Abelard Two was initiated, the Metropolitan Police examined historical intelligence concerning 19 former police officers associated with former DS Sidney Fillery, Jonathan Rees and Southern Investigations/Law & Commercial. Ten of the police officers had been convicted and imprisoned for criminal offences; their offences ranged from false imprisonment, perverting the course of justice and conspiracy to pervert the course of justice, drugs offences, accepting a bribe, obtaining property by deception, supplying drugs, accepting bribes for confidential information and theft of files, fraud related to computer misuse, and bribing an officer to destroy case files.

316. As well as the ten convicted and imprisoned officers, one officer had resigned while under investigation, one had been dismissed from the Metropolitan Police for failure to meet standards of honesty and integrity, and one had been demoted but later reinstated before retirement on a full pension. Two police officers were acquitted (one of inciting a police officer to commit a corrupt act, namely providing access to the Police National Computer, and the other of misconduct in public office). The remaining four were not charged or convicted of offences.

317. **The historical intelligence examined does not reflect a 'rotten apple' model of corruption. It is indicative of systemic failings, including the existence of a corrupt culture.**

318. **The investigations did not fully consider whether or not the motive for the murder was to prevent Daniel Morgan exposing local police corruption (occurring in the South East London area) of which he was aware during the course of his work and through his immediate contacts There is an uncomfortable disjunction: over time it has become increasingly unlikely that evidence can be found to bring those responsible for the murder to justice, and the Metropolitan Police have conceded ever more readily and publicly that police corruption compromised the initial investigations. They have done so without spelling out precisely what that corruption comprised.**

7.2 Corrupt links and illegal activities at Southern Investigations/Law & Commercial

319. Several of the former police officers who figure in the investigation chapters of this Report established or joined private detective agencies upon retirement from the police. DS Sidney Fillery of the Catford Crime Squad retired on medical grounds from the Metropolitan Police in 1988 and became Daniel Morgan's successor, joining Jonathan Rees at Southern Investigations in June 1989, as predicted in Kevin Lennon's testimony in 1987 (see Chapter 1, The Morgan One Investigation).

320. In 1989, PC Timothy Gratton-Kane told the Hampshire/Police Complaints Authority Investigation that DS Sidney Fillery and other Catford police officers had carried out work involving use of police resources for Southern Investigations[231]. There is no evidence that this information was reported to the Metropolitan Police, nor was it properly investigated by the Hampshire/Police Complaints Authority Investigation, to determine whether there was any

231 Report by Dennis Stephens, MPS023075001, pp1-2, 12 September 1988.

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information which might assist police in identifying Daniel Morgan's murderer(s). The information would have been reported and investigated had that investigation been exploring seriously the network of corrupt and corrupting relationships involving Southern Investigations.

321. The Morgan One Investigation into Daniel Morgan's murder had found some evidence of links between Southern Investigations and individual journalists (see Chapter 1, The Morgan One Investigation). At the time insufficient documentation was gathered to indicate whether work generated by newspapers formed a significant proportion of the company's income prior to Daniel Morgan's murder.

322. After Daniel Morgan's murder, former DS Sidney Fillery replaced Daniel Morgan as Jonathan Rees's business partner. There is evidence that a substantial proportion of their business income thereafter involved payment by newspapers for confidential information, some of which had been provided by police officers. During their successive attempts to solve the murder of Daniel Morgan, the Metropolitan Police discovered evidence that Southern Investigations (later Law & Commercial) sold the media a variety of confidential data obtained illegally (see Chapter 4, Operation Nigeria/Two Bridges).

323. The Panel's Terms of Reference refer specifically to '*the incidence of connections between private investigators, police officers and journalists at the News of the World and other parts of the media and alleged corruption involved in the linkages between them*'.[232]

324. There is no evidence to establish exactly when Southern Investigations started to work with the *News of the World*. The records of Southern Investigations' activities in 1986 and 1987 are inadequate; the first available invoice was for £1,305.25 in October 1988.[233]

325. Ian Paye, the bookkeeper for Southern Investigations from around 1989 or 1990, stated in May 2000 that by 1989/1990, '*over 50% of their income was from News International, investigating stories and supplying stories*'.[234]

326. If, as Ian Paye stated, over half of the firm's income came from *News International* by the time that he took up his post, this volume would have taken time to develop. The absence of proper record-keeping at Southern Investigations prevents analysis of whether these links were already developing in 1987. The bookkeeper who was employed by Southern Investigations after the murder of Daniel Morgan told the Abelard One/Morgan Two Investigation about the firm's work during the period from April 1987 to 1989. The bookkeeper stated that '[d]*uring the time I worked at Southern Investigations, the News of the World was their main client, being invoiced up to 500 times a month*'.[235] The bookkeeper also stated that '*Southern Investigations had very good contacts with an Editor at the News of The World*' and that she had heard in the office that the firm had paid the Editor's credit card bill which amounted to '*between £5,000 and £7,000*' and his child's school fees.[236] When the police showed her a list of five names, she immediately recognised the name of Alex Marunchak, and stated '*I am sure that this is the name of the News of the World Editor concerned*'. In 2020, Alex Marunchak denied that any such payments were made.

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232 Terms of Reference, para 3.
233 '*Financial Profile Southern Investigations*', MPS008128001, p23, 27 September 2002.
234 Witness statement of Ian Paye, MPS061694001, p3, 04 May 2000.
235 Witness statement of a bookkeeper at Southern Investigations, MPS060405001, pp1-2, 08 August 2002.
236 Witness statement of the bookkeeper at Southern Investigations, MPS060405001, p2, 08 August 2002.

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327. Alex Marunchak of the *News of the World* denied having known or worked with Daniel Morgan before Daniel Morgan's murder.[237] He was later suspected, with former DS Sidney Fillery, of arranging surveillance on DCS David Cook, the Senior Investigating officer of the overt side of the Abelard One/Morgan Two Investigation.

328. John Peacock, who was casually employed as a process server at Southern Investigations at the time of Daniel Morgan's murder, was asked by the Abelard One/Morgan Two Investigation about work done on behalf of the *News of the World*. He stated that:

> '*I can recall that at some time and I can only say about the time of the murder, REES had indicated to me that there was going to be some work done with the News of the World. He never told me what it was about or who it involved and as far as I know I have never done any work associated to the News of the World to my knowledge*.'[238]

329. It is not possible to establish definitively when Southern Investigations began to do work for the *News of the World*.

330. Southern Investigations/Law & Commercial was the subject of intelligence-gathering during the 1990s (Operation Nigeria/Two Bridges) as the result of suspicions that it was the hub of corrupt linkages involving police officers and the media.

331. Former D/Supt Robert Quick's statement to the Leveson Inquiry gave insights into the intelligence which led to the establishment of Operation Nigeria/Two Bridges:

> '*The Anti-Corruption Command was established in response to significant intelligence indicating serious corruption was being perpetrated by a minority of officers. This included officers passing to criminals, information and intelligence held on them by the MPS* [Metropolitan Police Service] *in return for payment or other benefits; corrupt relationships between police officers and police informants where police officers were complicit in plans to commit crimes and share insurance reward monies; the sale of information from police computers to criminals; the sabotaging of evidence; and the unauthorised disclosure of sensitive information to journalists for payment. These were some of the main strategic threats identified through a long term covert operation named Operation "Othona" which ran between 1993 — 1998*.'[239]

332. The Metropolitan Police produced a number of charts showing the wider links among individuals in Law & Commercial, police officers suspected or convicted of corruption, and journalists.

333. The historic intelligence relating to Southern Investigations (later Law & Commercial) was summarised in a Metropolitan Police report as follows:

> '*Both FILLERY and REECE* [sic] *have been subjects of interest to CIB for a considerable period of time. Long term and wide ranging intelligence shows them to be deeply involved in corruption, using a network of serving and retired police officers to access sensitive intelligence for the purpose of progressing crime, frustrating the course of justice, and selling sensitive information to the press.*'[240]

237 Witness statement of Alex Marunchak, MPS079262001, p1 13 October 2009.
238 Witness statement of John Peacock, MPS062398001, pp9-10, 27 September 2002.
239 Witness statement of former D/Supt Robert Quick to the Leveson Inquiry, pp1-2, 13 February 2012.
240 Application for renewal of surveillance approval, MPS099739001, p69, 08 December 1998.

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334. Intelligence gathered in 1999 included the following:

i. Jonathan Rees was recorded describing the commissioning of illegal Police National Computer checks from serving police officers for payment. Jonathan Rees gave the nickname of an officer who had been a member of the Catford Crime Squad at the time of Daniel Morgan's murder.[241]

Jonathan Rees claimed he had been told by his contact that his (Jonathan Rees's) name was included on the Police National Computer in connection with an allegation of drugs offences. He gave a nickname for the officer he said had entered his name on the system and said that he had confronted him about this and had said to him '*why did you fucking do that to me* […] *I've helped you out, all the times.*'[242]

Attempts were made by the Complaints Investigation Bureau Intelligence Cell (CIBIC) on 13 August 1999 to identify the officer. A potential link was made to a former police officer with a similar sounding name, however no firm positive identification was actually made as to the officer to whom Jonathan Rees had referred.[243]

ii. Jonathan Rees had obtained copies of a Special Branch Intelligence Bulletin, copies of *The Police Gazette* (a confidential and internal police publication) and details of police operations – all of which were then sold on to journalists and used as the source of articles. *The Police Gazette* was allegedly obtained through a Metropolitan Police officer (PC Thomas Kingston) suspended at the time on a matter involving the unauthorised disclosure of information from the Police National Computer, for which he was subsequently dismissed.[244]

Investigation showed that PC Thomas Kingston had been provided with copies of *The Police Gazette* by PC Paul Valentine, a serving officer and a member of the Special Escort Group, which was predominantly responsible for '*the escort of royalty, diplomats, visiting heads of states, high risk prisoners and high security loads*'.[245]

iii. Jonathan Rees was recorded discussing the contents of various issues of *The Police Gazette* with a journalist, Douglas Kempster of the *Sunday Mirror*, on a number of occasions, including one instance in which it appears that Douglas Kempster's Editor had lost a copy of *The Police Gazette* due for return to the police.[246]

335. Listening-device evidence had also revealed that Jonathan Rees had been commissioned by a man called Simon James to help him obtain custody of his child. Jonathan Rees with others arranged for Class A drugs to be placed in the car belonging to Simon James's estranged wife, and for DC Austin Warnes to arrange for the police to 'discover' the drugs. The police duly arrested Simon James's wife. She was later released.[247]

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241 Record of interview (listening device transcript), MPS099531001, p645, 05 August 1999.
242 Record of interview (listening device transcript), MPS099531001, p645, 05 August 1999.
243 Action 00592, MPS099304001, p187, raised on 12 August 1999 and completed on 15 June 2000.
244 '*Advice File re Valentine, Kempster, Kingston, & Rees*, MPS099594001, pp4-5, 11 February 2000.
245 *'Advice File re Valentine, Kempster, Kingston, & Rees'*, MPS099594001, p5, 11 February 2000.
246 *'Advice File re Valentine, Kempster, Kingston, & Rees'*, MPS099594001, p, 11 February 2000.
247 '*Operation 'Two Bridges Closing Report*', MPS099294001, pp19-23, 20 July 2001.

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336. Jonathan Rees, DC Austin Warnes and Simon James were convicted of conspiracy to pervert the course of justice. James Cook was found not guilty of any criminal offences (see Chapter 4, Operation Nigeria/Two Bridges).[248] These events, and the conviction and imprisonment of Jonathan Rees and DC Warnes fuelled suspicions that police corruption had been a factor in the murder of Daniel Morgan because it demonstrated that Jonathan Rees acted corruptly with a police officer.

337. During the investigation of the conspiracy case referred to in the previous paragraph, police officers searching the offices of Law & Commercial in relation to a separate matter had found copies of *The Police Gazette*.

338. In February 2000, Metropolitan Police data[249] revealed 273 instances in which journalists were provided with confidential police information by Law & Commercial. Of this total of 273 illegal transactions, 216 (79 per cent) involved various journalists from the *Mirror* Group and the remaining 21 per cent involved one journalist from the *News of the World.*

339. The 273 instances can be divided into two categories:

1. those in which there was evidence of an offence, although a further search – including of journalists' records – was required to retrieve additional evidence; and

2. those where there was insufficient evidence at present, and a search warrant would be required to retrieve files.

Category 1 totalled 81 instances (30 per cent of instances) and category 2 totalled 192.

340. Of the 81 instances in which there was *prima facie* evidence of an offence, 75 instances involved *Mirror* Group journalists; the names of 57 of those journalists were not recorded. The six remaining instances involved the journalist Alex Marunchak of the *News of the World*.

341. An advice file was submitted to the Crown Prosecution Service in relation to Jonathan Rees, PC Thomas Kingston, PC Paul Valentine and journalist Douglas Kempster. The evidence consisted of audio-tape transcripts from the listening devices in Law & Commercial.[250] A police summary of listening-device evidence retrieved on 30 June 1999 contained the following information about PC Valentine:

> '*KEMPSTER* [Douglas Kempster, journalist] *visits Law & Commercial and REES tells him that* [a notorious criminal figure] *is due to attend Kilburn Police Station next Tuesday for an Identification Parade. REES says that he will be able to get the exact time of the parade and the route that will be taken.*
>
> '*This information did not come from the gazettes and is believed to have come from* [PC Paul] *VALENTINE, through* [PC Thomas] *KINGSTON, who was part of the escort. KEMPSTER used this information to pen an article that was published in the Sunday Mirror on 11/07/99.*'[251]

248 '*Operation 'Two Bridges Closing Report*', MPS099294001, pp37-38 and p46, 20 July 2001.
249 Memorandum from a Detective Constable, MPS099704001, pp28-50, 10 February 2000.
250 '*Summary of Evidence*', EDN001497001, undated.
251 *'Advice File re Valentine, Kempster, Kingston, & Rees'*, MPS099594001, p8, 11 February 2000.

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342. PC Thomas Kingston, PC Paul Valentine and the journalist, Douglas Kempster, were arrested and questioned in respect of the supply of *The Police Gazette*; each made 'No comment' responses to questions put to them in interview.

343. A case conference was held on 20 June 2000, involving the Metropolitan Police, the Crown Prosecution Service and Counsel, to discuss the Simon James conspiracy case and the evidence in relation to Jonathan Rees, PC Thomas Kingston, PC Paul Valentine and the journalist Douglas Kempster. The Crown Prosecution Service noted that:

> '*the probe clearly showed Rees negotiating Police Gazette material not only to Kempster but also to two other journalists employed by national newspapers, [...] and Alex Marunchak, who have not been the subject of investigation. On this basis it could be said that Police have adopted a selective approach to this enquiry*.'

344. In response, DCI Barry Nicholson said that this was solely due to '*a lack of manpower and resources for this aspect*'. DCI Nicholson's policy files/decision logs relating to Operation Nigeria/Two Bridges refer to the reasons for the large number of offences still to be investigated:

> '*1. Due to command being unable or unwilling to support current operation with analytical.*
>
> *2. Staff being seconded or transferred to CIBIC* [Complaints Investigation Bureau Intelligence Cell] *or other ops are not being returned to assist Operation Two Bridges.*
>
> *3. Delays would prejudice potential prosecutions.*
>
> *4. Unable to produce charts, analytical work to support cases currently before courts.*'

345. Ultimately, no criminal charges were brought. The Metropolitan Police did, however, bring disciplinary proceedings against PC Paul Valentine, both in respect of *The Police Gazette* issue and for providing other sensitive information to Law & Commercial. As a result of those proceedings, PC Valentine was dismissed from the Metropolitan Police in September 2002.

346. Over 30 examples of information gathered by Law & Commercial from various financial institutions were identified. Illegal banking checks were apparently conducted for Law & Commercial by private investigators. The Metropolitan Police investigated two private investigators, one of whom had admitted obtaining private telephone information for Law & Commercial and the other had admitted obtaining private financial data by deception.[252] Neither of them were prosecuted.

347. The listening device deployed within Law & Commercial by Operation Nigeria/Two Bridges captured Jonathan Rees, talking about the legality of obtaining confidential information and passing it on to the media, in conversation with a journalist from the *Daily Mirror* on 06 July 1999. Jonathan Rees is recorded as saying:

> '*we are not going to put the numbers in there because what we are doing is illegal, isn't it, you know, I don't want people coming in and nicking us for criminal offence, you know.*'[253]

252 *Operation Two Bridges*, MPS099672001, pp4-8, 18 August 2000.
253 Enhanced audio summary, MPS000862001, p3, 06 July 1999.

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348. Although this intelligence post-dated the murder, it is evidence of Jonathan Rees's involvement in corrupt practices, notably passing to the media confidential information obtained from the police, despite being aware that it was illegal.

349. At this stage, Jonathan Rees and others had been charged with perverting the course of justice in the conspiracy case and the Crown Prosecution Service advised in respect of Jonathan Rees that he should not be charged with obtaining confidential material:

> '[A]*lthough any public interest issues must be considered it may be that any further prosecution would appear either vindictive or malicious on the part of the prosecuting authority.*'[254]

350. There was a wealth of evidence concerning multiple instances of unauthorised individuals obtaining confidential information. There was no reason to consider charges against Jonathan Rees as '*vindictive or malicious*', as there was probable cause and reasonable grounds for the charges. Although the Crown Prosecution Service said that '*any public interest issues must be considered*', there was a failure to take into account the deterrent effect of prosecuting these serious matters.

351. Notwithstanding the decision not to bring criminal charges, there was evidence proving the source, route and the final use of confidential police material. This sheds light on the corrupt use of connections between the police and private investigators (and specifically by Jonathan Rees) and journalists.

352. In February 2012, former AC Robert Quick made a written statement to the Leveson Inquiry into the culture, practice and ethics of the press. He stated that, during Operation Nigeria/Two Bridges:

> '*it became clear that, amongst other criminal activities, "Southern Investigations" was acting as a "clearing house" for stories for certain newspapers. Many of these stories were being leaked by police officers who were already suspected of corruption or by unknown officers connected to officers suspected of corruption, who were found to have a relationship with "Southern Investigations".*'[255]

353. He also referred to journalists identified as having direct relationships with Southern Investigations and recollected that *The Sun* and the *News of the World* were among the newspapers involved. According to former AC Robert Quick, during Operation Nigeria/Two Bridges it became clear that officers were being paid '*sums of between £500 and £2000 for stories about celebrities, politicians, and the Royal Family, as well as police investigations*'.[256]

254 '*Summary of evidence against William Jonathan Rees*', MPS049760001, p5, undated.
255 Statement of Robert Quick, The Leveson Inquiry, EDN001938001, p4, 13 February 2012.
256 Statement of Robert Quick, The Leveson Inquiry, EDN001938001, p4, 13 February 2012.

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354. Former D/Supt (later AC) Robert Quick, who had been involved at a senior level in Operation Nigeria/Two Bridges, referred to the disappearance from Metropolitan Police records, including the archives, of his own short report written in 2000 on '*the role of journalists in promoting corrupt relationships with, and making corrupt payments to, officers for stories about famous people and high profile investigations in the MPS* [Metropolitan Police Service]'.[257] In it he had recommended an investigation into such activities. He had submitted his report to Commander Andrew Hayman of the Professional Standards Department at the time.[258]

355. Commander Andrew Hayman reportedly had reservations based on potential procedural and legal difficulties pertaining to journalistic material. Former D/Supt Robert Quick did not believe that the journalists would be entitled to use that legal protection in the circumstances in which these stories were being obtained. He stated to the Leveson Inquiry that he did not know whether the matter was referred further up the command chain or what action was taken.[259]

356. The Metropolitan Police were not able to provide a copy of former D/Supt Robert Quick's report to the Panel. The Panel has seen a report produced by a Detective Sergeant after suspects, including Jonathan Rees, his client Simon James and DC Austin Warnes, were arrested in August 2000 in connection with a conspiracy to pervert the course of justice, which expressed concerns that the press was being used to disrupt and compromise the prosecutions of former officers awaiting trial and those already convicted. There were allegations that Jonathan Rees was engaged in a campaign to discredit the Anti-Corruption Squad and the officers connected with his prosecution by publication of misleading and incorrect information.

357. Commander Andrew Hayman took action in August 2000 while Jonathan Rees was awaiting trial for conspiracy to pervert the course of justice. He wrote to *The Guardian* Editor, Alan Rusbridger, about proposals by journalists, Michael Gillard and Laurie Flynn, to publish an article relating to the work of the Metropolitan Police Anti-Corruption Squad:

> '*Whilst I understand and support the need to report on issues of public interest, I have concerns that in their research your journalists may be at risk, perhaps unwittingly of assisting Rees in unethically or unlawfully seeking his acquittal* […].'[260]

358. Michael Gillard and Laurie Flynn made a complaint in relation to Commander Andrew Hayman, and the Metropolitan Police Authority asked an outside police force to investigate the complaint. This was carried out by Commissioner Perry Nove of the City of London Police.[261]

359. His ensuing report to the Metropolitan Police Authority traced the interest of the two journalists in the Complaints Investigation Bureau (CIB) from around 1999, describing them as '*proactive journalists*' making approaches to serving and retired police officers and to criminals who they believed might be able to provide them with an insight into the workings of the Complaints Investigation Bureau.[262] According to the report:

> '[t]*he journalists had a particular concern that CIB* [Complaints Investigation Bureau] *was using questionable and discredited methods in its efforts to deal incisively with corrupt police officers and that it's* [sic] *record of success was unsatisfactory.*'[263]

257 Statement of Robert Quick, The Leveson Inquiry, EDN001938001, p5, 13 February 2012.
258 Statement of Robert Quick, The Leveson Inquiry, EDN001938001, p5, 13 February 2012.
259 Statement of Robert Quick, The Leveson Inquiry, EDN001938001, p6, 13 February 2012.
260 Letter from Commander Andrew Hayman to Alan Rusbridger, MPS107534001, p52, 02 August 2000.
261 Report by Commissioner Perry Nove, MPS107534001, pp130-138, 21 June 2002.
262 Report by Commissioner Perry Nove, MPS107534001, pp130-138, 21 June 2002.
263 Report by Commissioner Perry Nove, MPS107534001, p133, 21 June 2002.

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360. Commissioner Perry Nove reported that the Metropolitan Police conducted a number of discreet or linked investigations into serving and former officers. He considered many of these investigations were proactive and involved a range of investigative methods designed to deal successfully with difficult suspects, most of whom were knowledgeable about how they might be investigated. Commissioner Nove explained that the Metropolitan Police became aware of the journalists' activities through its information sources and that '*MPS* [Metropolitan Police Service] *officers believed the journalists were in contact with one of the principal suspects in a major CIB* [Complaints Investigation Bureau] *enquiry*'.[264]

361. On 12 December 2002, a decision was taken by the Metropolitan Police Authority that '*there was nothing to indicate DAC Hayman was motivated by malice or an improper agenda*' and so, under the regulations in place at the time, the Authority had '*no jurisdiction*' to consider the complaint by Michael Gillard and Laurie Flynn.[265]

362. In 2014, there were various high-profile prosecutions of journalists, on charges including conspiracy to hack voicemails, conspiracy to pay public officials and conspiracy to pervert the course of justice.

363. Of the nine individuals who were convicted of criminal offences, most had worked for the *News of the World*:

i. Andy Coulson, former *News of the World* Editor;[266]

ii. Ian Edmondson, former *News of the World* News Editor;[267]

iii. Jules Stenson, former *News of the World* Features Editor;[268]

iv. Greg Miskew, former *News of the World* News Editor;[269]

v. Neville Thurlbeck, former *News of the World* News Editor and Chief Reporter;

vi. James Weatherup, former News Editor at the *News of the World*;[270]

vii. Dan Evans, a journalist at the *News of the World* and at the *Sunday Mirror*;[271]

viii. Glenn Mulcaire, private investigator used by *News of the World*;[272]

ix. Graham Johnson, former *Sunday Mirror* journalist.[273]

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264 Report by Commissioner Perry Nove, MPS107534001, p134, 21 June 2002.
265 Letter from Catherine Crawford, Clerk to the Metropolitan Police Authority to CCL Solicitors, PNL000102001, p283, 13 December 2002.
266 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p24 para 4.55, 04 February 2020.
267 Lisa O'Carroll, 2014, 'Phone hacking: News of the World's Ian Edmondson pleads guilty', *The Guardian,* 03 October, found at https://www.theguardian.com/uk-news/2014/oct/03/phone-hacking-trial-news-world-ian-edmondson-pleads-guilty.
268 BBC, 2014, 'Ex-News of the World journalist admits phone-hacking charges', 12 December, found at https://www.bbc.co.uk/news/uk-30450603.
269 Lisa O'Carroll, Caroline Davies, 2013, 'Phone-hacking trial: three ex-News of the World staff plead guilty' *The Guardian*, 30 October, found at https://www.theguardian.com/uk-news/2013/oct/30/phone-hacking-trial-news-of-world-staff.
270 Lizzie Dearden, 2014, 'Andy Coulson jailed for 18 months: News of the World journalists sentenced for phone hacking' *Independent*, 04 July, found at https://www.independent.co.uk/news/uk/crime/andy-coulson-jailed-news-world-journalists-sentenced-phone-hacking-9583769.html.
271 James Cusick, 2014, 'I hacked 200 phones for NOTW, says ex-reporter Dan Evans' *Independent*, 27 January, found at https://www.independent.co.uk/news/uk/crime/i-hacked-200-phones-notw-says-ex-reporter-dan-evans-9088795.html.
272 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p20, para 4.46, 04 February 2020.
273 BBC, 2014, 'Ex-Sunday Mirror reporter Graham Johnson admits phone hacking', 06 November, found at https://www.bbc.co.uk/news/uk-29933698.

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364. Rebekah Wade (now Brooks), Editor of *News of the World* from 2000 to 2003, Editor of *The Sun* from 2003 to 2009 and Chief Executive Officer of News International from 2009 to 2011, was acquitted.[274] The *News of the World* ceased publication in 2011.

7.3 Surveillance of DCS David Cook by the *News of the World*

365. In summer 2002, DCS David Cook, the Senior Investigating Officer for the overt side of the Abelard One/Morgan Two Investigation into Daniel Morgan's murder, was subjected to surveillance by the *News of the World* (see Chapter 6, the Abelard One/Morgan Two Investigation).

366. On 26 June 2002, DCS David Cook had fronted a second BBC *Crimewatch* appeal for information about the murder, with the offer of a substantial reward.

367. The next day, T/D/Supt David Zinzan, who was leading the covert side of the Abelard One/Morgan Two Investigation, rang DCS David Cook to report that sensitive intelligence had been received indicating that Southern Investigations and a journalist from the *News of the World* were seeking information to discredit DCS Cook.[275]

368. The following week, a payroll officer at Surrey Police – DCS David Cook's former employer – received a suspicious phone call, purporting to be from the Inland Revenue and relating to the tax affairs of DCS Cook. The call was from an unobtainable number.[276] He did not provide any information and reported the incident to his superiors.

369. Shortly thereafter DCS David Cook noticed a discreetly parked vehicle which had a clear view of his home. It was established that the vehicle was leased to News International. DCS Cook later noted a suspicious van, the driver of which showed an interest in his home address. The van subsequently followed DCS Cook's car when he left the house.[277]

370. In response, a Metropolitan Police counter-surveillance team was deployed. The drivers of both suspicious vehicles were identified as *News of the World* staff photographers.[278] Dick Fedorcio, Head of Media at the Metropolitan Police Directorate of Public Affairs, contacted the *News of the World.* He was told that the journalists believed that they were following a legitimate story, namely that DCS David Cook was having an affair with Jacqui Hames, the BBC *Crimewatch* presenter. Jacqui Hames later told the Leveson Inquiry that this explanation was '*utterly nonsensical*', that she and DCS Cook were married and had two children, and their relationship had been the subject of a *Hello!* magazine article.[279]

371. In the following months, other possible surveillance incidents caused DCS David Cook and Jacqui Hames concern. They noticed someone in a van taking photographs of their house,[280] believed that items in the garden had been moved,[281] and post had been opened and re-sealed. An email was sent from an unnamed source to the producer of BBC *Crimewatch*, suggesting

274 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p24 para 4.55, 04 February 2020.
275 Draft witness statement of former DCS David Cook, MPS102164001, p28 (unsigned and undated).
276 Email from Surrey Police payroll officer, MPS102164001, p52, 8 July 2002.
277 Draft witness statement of former DCS David Cook, MPS102164001, p28 (unsigned and undated).
278 Report by DS Gary Dalby, MPS102164001, p5, 2 December 2011. Although one driver was identified as a *News of the World* employee at the time of the incident in 2002, the second driver was not identified as such until 2011.
279 Witness Statement of Jacqui Hames to the Leveson Inquiry, p15, para 39, 22 February 2012.
280 Witness Statement of Jacqui Hames to the Leveson Inquiry, p14, para 37, 22 February 2012.
281 Meeting with Jacqui Hames, p1, 18 January 2016.

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that Jacqui Hames was having an affair with a senior police officer.[282] The Metropolitan Police were unable to attribute any of these further possible surveillance incidents to particular individuals or organisations.[283]

372. On 09 January 2003, a meeting took place, of which no contemporary record was taken, between Dick Fedorcio, Commander Andre Baker, DCS David Cook and Rebekah Wade, Editor of the *News of the World* (and shortly to become Editor of *The Sun*). Evidence subsequently submitted to the Leveson Inquiry suggested that this was essentially a '*welfare*' meeting to support DCS Cook rather than an operational meeting to deal with the issue.[284] Rebekah Wade reportedly indicated that she understood the story being pursued by her newspaper was a legitimate story about a marital affair. DCS Cook and Commander Baker told Rebekah Wade that they had information indicating that one of her journalists was being paid by Southern Investigations and that '*she should be aware*'.[285]

373. In 2012, over nine years after these events, following a police investigation, advice was sought from the Crown Prosecution Service as to whether there were grounds to prosecute anyone for the surveillance of DCS David Cook. An advice was provided by Gregor McGill, Deputy Chief Crown Prosecutor,[286] approved by Alison Levitt QC, Principal Legal Adviser to the Director of Public Prosecutions, in accordance with the processes adopted at that time by the Crown Prosecution Service. It stated that the following facts were considered to be established:

i. Sidney Fillery had regular contact with Alex Marunchak over the relevant period and a number of large payments were made by Sidney Fillery to Alex Marunchak, a curious fact '*given that normally journalists pay private investigators, not the other way around*'.

ii. Within a few days of the BBC *Crimewatch* broadcast, an effort was made to discover DCS Cook's home address, via a technique known as '*blagging*',[287] the inquirer purporting to be from the Inland Revenue.

iii. DCS Cook's personal details were found in a notebook belonging to Glenn Mulcaire, who at the time was employed by the *News of the World* on a freelance basis and who was known to engage in phone-hacking and '*blagging*' on the newspaper's behalf. Glenn Mulcaire's habit was to write the name of the journalist who tasked him in the top left-hand corner: the name written was '*Greg*' (this was established to be a reference to Greg Miskew).

iv. Shortly after the blagging attempt, the van leased by News International was seen near DCS Cook's home address and, two days later, the police established that the van was being used by *News of the World* staff. Subsequent investigation revealed Alex Marunchak, *News of the World* journalist, was '*investigating*' DCS Cook and Jacqui Hames.[288]

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282 Witness Statement of Jacqui Hames to the Leveson Inquiry, p14, para 35, 22 February 2012.
283 Draft witness statement of former DCS David Cook, MPS102164001, pp29-30, (unsigned and undated).
284 Witness Statement of Dick Fedorcio to the Leveson Inquiry, EDN000690001, pp20–21, 28 February 2012.
285 Dick Fedorcio, Leveson hearing transcript, pp54-57, 13 March 2012.
286 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by New of the World in July 2002*' by Gregor McGill, approved by Alison Levitt QC, MPS102164001, pp16-21, 27 January 2012.
287 The action of obtaining private or confidential information by impersonation or another method of deception.
288 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by New of the World in July 2002*' by Gregor McGill, approved by Alison Levitt QC, MPS102164001, pp18-19, 27 January 2012.

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374. The Deputy Chief Crown Prosecutor concluded that it was not possible to infer that the motive/intention of Alex Marunchak and Glenn Mulcaire had been to disrupt the police investigation. Jacqui Hames was a public personality with a high profile; a story suggesting that she was having an affair with a police officer would be attractive to the *News of the World* in its own right. The fact that the '*story was plainly a nonsense gives rise to the possibility that AM* [Alex Marunchak] *and GM* [Glenn Mulcaire] *may in fact have been deceived. I do not see how the prosecution could disprove this, were it to be advanced by the defence.*'[289]

375. The Deputy Chief Crown Prosecutor advised that '[a]*lthough there is no direct evidence, a jury would be entitled to infer that the tip-off about the "affair" is likely to have come from Southern Investigations*', for, among other reasons:

> '*the tip-off must have come from a source which the NOTW* [News of the World] *journalists trusted to the extent that they would not question it, given that a very brief investigation would have revealed that this was not a story at all.*'[290]

376. As for the evidence that payments had been made by Southern Investigations to Alex Marunchak, a jury might infer that, although this was '*plainly highly suspicious*', the payments '*cannot be linked*'[291] to the incident of surveillance. There was therefore insufficient evidence to substantiate any allegation of doing an act tending and intending to pervert the course of public justice.[292]

377. At the time of the surveillance on DCS David Cook, Jonathan Rees was serving a seven-year custodial sentence.[293] Former DS Sidney Fillery was in regular contact with Alex Marunchak of the *News of the World*.[294]

378. The Panel agrees with the advice offered by the Crown Prosecution Service that there was insufficient evidence capable of proving that the *News of the World* surveillance of DCS David Cook was instigated by either Jonathan Rees or former DS Sidney Fillery. Nonetheless, the circumstantial evidence suggests very strongly that intrusive activity suffered by DCS Cook, his wife Jacqui Hames and their family was arranged by former DS Fillery and Alex Marunchak (see Chapter 6, The Abelard One/Morgan Two Investigation).

379. The Abelard One/Morgan Two Investigation of Daniel Morgan's murder and the inevitable close police scrutiny of Law & Commercial posed a threat to the activities of the partnership. Jonathan Rees and former DS Sidney Fillery had a clear vested interest in seeing DCS David Cook discredited and the Abelard One/Morgan Two Investigation subverted.

289 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by New of the World in July 2002*' by Gregor McGill, approved by Alison Levitt QC, MPS102164001, pp19-20, 27 January 2012.
290 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by New of the World in July 2002*' by Gregor McGill, approved by Alison Levitt QC, MPS102164001, p19, 27 January 2012.
291 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by New of the World in July 2002*' by Gregor McGill, approved by Alison Levitt QC, MPS102164001, p20, 27 January 2012.
292 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by New of the World in July 2002*' by Gregor McGill, approved by Alison Levitt QC, MPS102164001, p21, 27 January 2012.
293 Police National Computer print-out in respect of Jonathan Rees, MPS004001001, p3, 14 July 2009.
294 '*2nd Advice relating to the Circumstances Surrounding Surveillance Conducted on ex-DCS C and JH by New of the World in July 2002*' by Gregor McGill, approved by Alison Levitt QC, MPS102164001, p17, 27 January 2012.

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380. The surveillance of DCS David Cook and Jacqui Hames caused them and their family considerable anxiety, both then and after the events. There is no evidence that the surveillance of DCS Cook by the *News of the World* either shaped the conduct of the Abelard One/Morgan Two Investigation or had an impact on the conclusions to which the investigation came. The experience almost certainly deepened DCS Cook's long-term commitment to bringing to justice those responsible for Daniel Morgan's murder and/or for attempting to subvert the police investigation of the case.

7.4 Linkages between senior police officers and the media

381. Deputy Commissioner John Stevens was responsible for anti-corruption matters at the time of Operation Nigeria/Two Bridges. As he subsequently revealed in his autobiography, he had been specifically recruited by the then Commissioner Sir Paul Condon, to tackle corruption in the Metropolitan Police,[295] and corruption prevention became one of his key interests. During his time as Deputy Commissioner and Commissioner, and later, following his retirement in 2005, he delivered a series of high-profile lectures on the topic, both in the UK and internationally.

382. In 2000, Deputy Commissioner Stevens was appointed Commissioner of the Metropolitan Police and served in that capacity until 2005. Lord Stevens (as he later became), as his evidence to the Leveson Inquiry[296] and his autobiography[297] made clear, pursued a concertedly open media strategy with a view to getting across to the media a better informed and more favourable account of the work of the Metropolitan Police. As part of that strategy, he had regular meetings with the editors of all the leading newspapers of the day, including *The Guardian* and the *News of the World.*

383. As Deputy Commissioner, John Stevens' responsibilities included reviewing and authorising the continued use of a probe placed in the offices of Law & Commercial.[298] The briefing documents provided directly to the Deputy Commissioner referred, among other things, to '*corruption between journalists, private investigators, suspended and serving police officers*', '*selling them on to newspapers*' and '*stories leaked to the press*'.[299] Deputy Commissioner Stevens endorsed his initial authorisation of the probe on 06 January 1999 with the request, '*Please keep me updated as to progress in this case*'.[300]

384. On 21 September 2002, a lengthy and detailed article appeared in *The Guardian* newspaper containing an exposé of Operation Nigeria/Two Bridges. It was written by Graeme McLagan[301] and included details of the operation, including the bugging of the offices of Law & Commercial (referred to in the article as 'Southern Investigations'). It also mentioned, among others, the journalists Alex Marunchak and Douglas Kempster and their employers, the *News of the World* and *The Mirror* newspapers respectively. The article contained direct quotes from the police probe transcripts, including conversations between Jonathan Rees, Alex Marunchak and Douglas Kempster. Graeme McLagan could not have written the article without receipt of

295 *Nor for the Faint-Hearted: My Life Fighting Crime*, p 217, p231.
296 Leveson Report Vol 2, Chapter 2, The History of the Relationship: Different Approaches – Metropolitan Police Service: The Commissioners, Lord Stevens para 1.12. www.levesoninquiry.org.uk/wp-content/uploads/2012/03/witness-statement-of-Lord-Stevens.pdf
297 *Not for the Faint-Hearted: My Life Fighting Crime,* pp 251-2.
298 See Chapter 4, Operation Nigeria/Two Bridges, for details.
299 Application for intrusive surveillance, MPS105390001, 05 August 1999.
300 Intrusive Surveillance Application Bundle re Law & Commercial, MPS099739001, p23, 06 January 1999.
301 New Scotland Yard Press Bureau file, MPS047984001, 21 September 2002.

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information, authorised or leaked, by an unknown police source. Publication of the article also meant that the link between Jonathan Rees and former DS Sidney Fillery of Law & Commercial on the one hand, and Alex Marunchak of the *News of the World* on the other, became public knowledge.

7.4.1 The Leveson Inquiry

385. The question as to what senior Metropolitan Police officers knew about the corrupt trade of confidential information to journalists subsequently became, a decade later, one focus of the Leveson Inquiry into the culture, practices and ethics of the British press following the News International (then the owner of the *News of the World*) telephone hacking scandal.

386. In the course of his explanation as to the approach that his Inquiry would take, Lord Justice Leveson made reference to the Daniel Morgan case and the fact that connections with the *News of the World* were allegedly involved, and that this connection '*has been the subject of media comment*'. Lord Justice Leveson stated:

> '*I can well understand why Mr Morgan's family saw the Inquiry as an opportunity to uncover information about his death (and Mr Rees clearly visualised that possibility because he applied for Core Participant status on the basis that he might be the subject of criticism). Whether there should be an inquiry into this particular case is not for me to say: it is sufficient if I repeat the explanation that to have examined the issues arising would have taken weeks or months and I did not consider that the very limited time available for this Inquiry was best deployed in that way. In the event, although I made it clear that Mr Rees could make a statement for the Inquiry, he has not done so.*'[302]

387. From this it is clear the Leveson Inquiry did not have the capacity to and would not explore the detailed connections arising in the Daniel Morgan murder enquiry between the police, private detective agencies and the *News of the World.* That would be the task of this Panel.

7.4.2 Lord Stevens' evidence to the Leveson Inquiry

388. When cross-examined during his evidence to the Leveson Inquiry, Lord Stevens was asked about corruption generally in the police. He stated:

> '*Corruption is always there in a Police Service the size of the Metropolitan Police and every now and again I was hearing stories that people either within the service or who had retired from the service might well be paid for newspaper reports, or tipping off people as to when certain raids were taking place and therefore a strong anti-corruption strategy and squad was essential.*'[303]

389. However, when more specifically questioned, he stated: '*I don't know of any issue* [concerning corruption] *that came up, real issue, on my watch.*'

390. At this point Lord Justice Leveson asked Lord Stevens if he had any recollection of it actually happening on '*his watch*', to which Lord Stevens responded: '*No, I don't. No Sir.*'

302 Leveson Report, Vol 1, Chapter 2, para 2.10, pp23-24, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/270939/0780_i.pdf.
303 Examination of Lord Stevens at the Leveson Inquiry, 06 March 2012.

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391. On 06 March 2012, Lord Stevens was further asked at the Leveson Inquiry about his knowledge of the BBC *Crimewatch* appeal for evidence that, as part of the Abelard One/Morgan Two Investigation into the murder of Daniel Morgan, had in 2002 been fronted by DCS David Cook. Lord Stevens said that he was aware of the *Crimewatch* appeal and the fact that considerable resources were being invested in the re-investigation of Daniel Morgan's murder, but that at the time he had not been aware that DCS Cook and his family had been put under surveillance by the *News of the World.*[304]

392. Subsequent to this evidence, Lord Stevens made a supplementary witness statement, in which he said:

> '*I understand that Mr Fedorcio* [then Director of Public Affairs for the Metropolitan Police], *will say that he informed me of a meeting which took place at New Scotland Yard on 9 January 2003 between Commander Baker, Detective Superintendent Cook* [sic], *Rebekah Brooks and Mr Fedorcio. I am also now informed that after the meeting, Mr Fedorcio arranged for Rebekah Brooks to attend a press reception at New Scotland Yard that I was present at.*
>
> '*This may well be an accurate account but I have no recollection or note of either their meeting or the content of what was discussed. If the content of the meetings was as I have now been informed, I would expect there to be a formal record of it on the relevant case correspondence file.*'[305]

393. Dick Fedorcio informed the Leveson Inquiry that he had informed Commissioner Stevens before the meeting that it was to take place.[306]

394. Lord Stevens was also asked questions at the Leveson Inquiry regarding the activities of Southern Investigations and the *News of the World.* He testified that during his time as Deputy Commissioner and Commissioner he had not been aware that the *News of the World* was making extensive use of Southern Investigations illegally to obtain information about police officers.[307]

395. Lord Stevens was then asked by the Leveson Inquiry questions arising out of his autobiography, *Not for the Faint-Hearted: My Life Fighting Crime*, published soon after his retirement as Commissioner in 2005.

> '*Q Can I ask you please about page 263 of your book.... You say in your book: "At the end of the 1990s, an independent detective agency called Southern Investigations, based in Sydenham, was frequently coming on the anti-corruption squad's radar". So when did you become aware of that?*
>
> *A: As Deputy Commissioner, a presentation was made to me to try and get a probe into Southern Investigations' offices. The probe took an extraordinarily long time to get fitted in, in legal terms. It was all done legally. And having authorised that, which was part of an effort to find out what they were up to, that led to certain prosecutions and those prosecutions are a matter of record.*

304 Examination of Lord Stevens at the Leveson Inquiry, 06 March 2012.
305 Statement number 2 of Lord Stevens to the Leveson Inquiry, MPS109559001, pp3-4, 23 March 2012.
306 Statement of Dick Fedorcio to the Leveson Inquiry, pp24-25, paras 102-105, 28 February 2012.
307 Examination of Lord Stevens at the Leveson Inquiry, 06 March 2012.

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Q: The probe you're referring to is a hidden microphone, is that right?

A: It was, yes.

Q: Because your book goes on to say: "Eventually, it became possible to monitor conversations and the hidden microphones picked up much intelligence about the activities going on inside. Via the agency, corrupt officers were selling stories about their investigations to newspapers and being paid quite handsome amounts of money, an unsavoury business all around."

A: Yes.

Q: So when did you become aware of that?

A: When prosecutions took place and one or two people were successfully prosecuted.'[308]

7.4.3 Lord Stevens' interview with the Panel

396. In interview with the Panel on 09 December 2020, Lord Stevens was asked about his evidence to the Leveson Inquiry. What period of time had he been referring to when he had said that there was '*no real issue*' of police corruption occurring '*on his watch*'? He said he had meant his time as Commissioner from February 2000 to February 2005. He also made clear that by '*no real issue*' he had not meant that there was no police corruption, for there was always some police corruption, but he could not recall it being a significant issue. Indeed, he said that complaints, including allegations of police corruption, halved during his time as Commissioner.[309]

397. Lord Stevens was then asked what he had learned about the activities at Law & Commercial when he was authorising continued use of the probe in their offices. Did he recall, for example, being regularly briefed by D/Supt Robert Quick throughout Operation Nigeria/Two Bridges on the nature of the relationship between Alex Marunchak of the *News of the World* and Jonathan Rees of Law & Commercial? Former AC Quick had told the Panel that he and Lord Stevens '*were talking about Mr Marunchak quite a lot*'.[310] Lord Stevens told the Panel that he could not recall talking about Alex Marunchak with former D/Supt Quick or with anyone else.[311] He accepted that, if he had repeatedly signed off the continued covert surveillance of the offices of Law & Commercial in 1998/9, then he would have been briefed on the intelligence being gained. However, he had no recollection of the detail and thought his senior subordinates would have been more involved in the operational detail. As Deputy Commissioner he had more strategic and managerial responsibilities.

398. Lord Stevens was asked whether his evidence to the Leveson Inquiry meant that he was unaware of the selling of confidential information to, among other newspapers, the *News of the World,* until the arrests, prosecutions and convictions of journalists took place. He said he thought that was the case, though he could not recall precisely when he became aware. Asked whether that might have been at the time of the so-called 'phone hacking' court cases during the years 2011-2014, he replied that he could not recall exactly when he had learned about the various corruption cases, including those involving Law & Commercial.

308 Examination of Lord Stevens at the Leveson Inquiry, 06 March 2012.
309 Panel Interview with Lord Stevens, pp3,4 and 12, 09 December 2020.
310 Panel Interview with former AC Robert Quick, PNL000197001, p2, para 15, 10 November 2014.
311 Panel Interview with Lord Stevens, p13, 09 December 2020.

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399. Lord Stevens emphasised that these events, both the cases of police corruption in connection with Law & Commercial and the evidence he had given to the Leveson Inquiry, had occurred a long time ago – twenty and eight years ago respectively. He emphasised that as Commissioner he had been responsible for and preoccupied with major policy and strategic managerial issues. Whatever he might have been told at different times about the Daniel Morgan murder enquiry, or the corrupt activities of serving or retired police officers and journalists trading confidential information through Law & Commercial, they would not have been among his priorities. It was therefore unsurprising that he could not remember. Furthermore, his autobiography had been ghost-written and he could not remember the detail.[312]

400. The Panel asked Lord Stevens whether, in September 2002, he had seen the major article on the corrupt trade being conducted by Law & Commercial by Graeme McLagan, published in *The Guardian* newspaper on 21 September 2002, which had specifically named Alex Marunchak, employed by the *News of the World,* as a major purchaser of corruptly obtained confidential information. Lord Stevens said that he had no recollection of seeing the article.[313]

401. Lord Stevens was asked by the Panel whether he would have expected Dick Fedorcio, his Director of Public Affairs, to inform him about a major newspaper article of this character about leaks of confidential police information to the Press. He replied: '*Absolutely. I'd expect to be informed of that.*' He stressed once again, however, that his responsibilities were strategic. He would have expected one of his senior subordinates to be aware of the article and to do whatever needed to be done in response.[314]

402. Dick Fedorcio informed the Panel in 2021, that he, too, would have expected Lord Stevens to be made aware of the article, and if he was not aware of its existence, the article would have been brought to the attention of another senior officer.

403. Lord Stevens was also asked about the meeting on 09 January 2003 at New Scotland Yard which, according to the testimony to the Panel of both former Commander Andre Baker and former DCS David Cook, was convened specifically to discuss the surveillance by the *News of the World* of former DCS Cook and his family.[315] Lord Stevens reiterated what he had told the Leveson Inquiry, namely that he was now aware of the purpose of the meeting, but he had not known at the time.[316]

404. Lord Stevens also repeated to the Panel what he had told the Leveson Inquiry, namely that he was aware that Dick Fedorcio had stated to the Leveson Inquiry that, following the meeting, he (Dick Fedorcio) had escorted Rebekah Wade to a reception that she and the Commissioner were both attending and that he had told Sir John Stevens that he '*thought the meeting had been useful*', wording which suggested that the Commissioner knew about the nature of the meeting.[317]

405. However, Lord Stevens also told the Panel what he had told the Leveson Inquiry concerning this, namely that the evidence given by Dick Fedorcio was no doubt accurate, but he was unaware that DCS David Cook and his family had been placed under surveillance by the

312 Panel interview with Lord Stevens, pp9-14, 09 December 2020
313 Panel interview with Lord Stevens, pp9-10, 09 December 2020
314 Panel interview with Lord Stevens, p6, 09, December 2020.
315 Panel interview with former Commander Andre Baker, PNL000256001, p3, 07 March 2018 and Panel interview with former DCS David Cook, paras 48-49, 04 June 2015.
316 Statement number 2 of Lord Stevens to the Leveson Inquiry, MPS109559001, p4, 23 March 2012
317 Statement of Dick Fedorcio to the Leveson Inquiry, p25, para 105, 28 February 2012.

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News of the World and that Southern Investigations (Law & Commercial) had been '*gathering evidence on senior MPS* [Metropolitan Police Service] *personnel*'.[318] He had no recollection of being told about these matters.[319]

406. Lord Stevens further reiterated what he told the Leveson Inquiry, namely that '[i]*f the content of the meetings was as I have now been informed, I would expect there to be a formal record of it on the relevant case correspondence file*'.[320] He told the Panel that he found it surprising that Dick Fedorcio, according to his testimony to the Leveson Inquiry, had said that he had made no record of the meeting.[321]

407. **The Panel also finds it surprising that Dick Fedorcio made no record of the meeting with DCS David Cook and Rebekah Wade.**

408. The Panel drew Lord Stevens' attention to the fact that D/Supt Robert Quick, who joined the Complaints Investigation Bureau 3 (CIB3) in January 1999 and took over management of Operation Nigeria/Two Bridges at the time that Lord Stevens was regularly authorising the continued use of the probe at Law & Commercial, had written a short report on the character and incidence of corruption in the Metropolitan Police.[322] The Panel had asked the Metropolitan Police for a copy of that report but had been told that no copy of it could be found. Lord Stevens said he was unaware of the report and he had not read it.[323]

409. The Panel asked Lord Stevens if, with regard to the meeting with DCS David Cook and Rebekah Wade on 09 January 2003, he wished to comment on the fact that Commander Andre Baker had been alleged to have told DCS Cook, before entering Mr Fedorcio's office, that '[t]*he boss doesn't want a fuss about this*', the implication being that '*the boss*' was Lord Stevens. He responded that it was not unusual for people to go around using the Commissioner's name and that there were also '*lots of bosses*' in the Metropolitan Police. He said that he had no views on the matter and could not remember anything in relation to it.[324]

410. The Panel informed Lord Stevens that the evidence from the probe at Law & Commercial indicated that Alex Marunchak with Douglas Kempster, of the *Mirror* Group, had been purchasers of corruptly obtained personal information through the offices of Law & Commercial, but that whereas Douglas Kempster had been prosecuted, Alex Marunchak had not. Lord Stevens was adamant that if there had been evidence of criminal offences against Alex Maranchak, whom he did not know and did not believe he had ever met, then he should have been prosecuted.[325]

411. Lord Stevens said that he had never said anything which could be interpreted to suggest that, if there was evidence of criminal behaviour, proceedings should not be brought. He was adamant that if there was evidence of criminal offences against Alex Marunchak, then he should have been prosecuted.[326]

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318 Statement number 2 of Lord Stevens to the Leveson Inquiry, MPS109559001, pp3-4, 23 March 2012.
319 Examination of Lord Stevens at the Leveson Inquiry, 06 March 2012 and Panel interview of Lord Stevens, 09 December 2020.
320 Statement number 2 of Lord Stevens to the Leveson Inquiry, MPS109559001, p4, 23 March 2012.
321 Panel Interview with Lord Stevens, pp6-7, 09 December 2020.
322 Panel Interview with Lord Stevens, pp5-6, 09 December 2020.
323 Panel interview with Lord John Stevens, p6, 09 December 2020.
324 Panel Interview with Lord Stevens, pp8-9, 09 December 2020.
325 Panel interview with Lord Stevens, p14, 09 December 2020.
326 Panel interview with Lord Stevens, p14, 09 December 2020.

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7.4.4 Former AC Andrew Hayman's evidence to the Leveson Inquiry

412. Lord Stevens was not alone among senior Metropolitan Police officers whose connections with News International, the publisher of the *News of the World* and *The Times,* attracted the interest of the Leveson Inquiry. Former AC Andrew Hayman also signed a contract with News International on his retirement from the police. He was paid an annual retainer to act as an occasional columnist.[327] In 2009, following the emergence in *The Guardian* of the 'phone hacking' allegations which led to the establishment of the Leveson Inquiry, he wrote an article in *The Times* which was widely interpreted as a rebuttal of the allegation that 'phone hacking' was widespread.[328]

413. Former AC Hayman's rebuttal, which as subsequent discoveries made clear was shown to be ill-founded,[329] attracted attention because he had, from 1998 to 2002, been a senior officer with responsibility for Professional Standards and in 2006 had been in charge of the Metropolitan Police's initial internal enquiry into 'phone hacking'. When examined by the Leveson Inquiry, it was pointed out to him that Sir Ian Blair, Commissioner at the time of former AC Hayman's resignation from the police, had in his autobiography been critical of former AC Hayman for being too close to the media,[330] a proposition with which former AC Hayman did not agree.[331]

7.4.5 Other senior Metropolitan police officers and the News of the World

414. In 2011 and 2012, controversy regarding links between senior Metropolitan Police personnel and the *News of the World* was reignited. On 14 July 2011, a former Executive Editor of the *News of The World*, Neil Wallis, was arrested in connection with the 'phone hacking' scandal.[332] Furthermore, it was disclosed that Neil Wallis had been paid to act as a media consultant to the Metropolitan Police in 2009 and 2010.[333]

415. The following day, on 15 July 2011, AC John Yates also resigned amid allegations from several directions, including from an MP, that in 2009, when he had conducted a review into the 2006 allegations of hacking of telephones of members of the Royal Family by a private investigator working for the *News of the World*, he had inappropriately found no fault with the original investigation and had also misled a House of Commons Select Committee about the matter. The Select Committee did not, however, find that former AC Yates had misled them.

416. The issue was later examined at the Leveson Inquiry. Former AC John Yates was the subject of serious criticism in Lord Justice Leveson's report, which stated that former AC Yates had failed adequately to address the matter and had mischaracterised the evidence he had reviewed.[334]

417. Some months later, in March 2012, Dick Fedorcio resigned when it was announced that, following an investigation by the Independent Police Complaints Commission, it had been decided to initiate proceedings against him for gross misconduct related to his hiring

327 Leveson Report, Vol 2, paras 5.22 to 5.25, pp905-906.
328 *The Times,* 11 July 2009 & Leveson Report, Vol 2, paras. 5.28-5.33, pp907-908.
329 *The Times,* 11 July 2009 & Leveson Report, Vol 2, paras. 5.28-5.33, pp907-908.
330 Ian Blair *Policing Controversy*, 2009, p 237.
331 Former AC Andrew Hayman's examination at Leveson Inquiry, 01 March 2012.
332 Leveson Report, Vol 2, paras 5.88 to 5.95, pp926-928.
333 Leveson Report, Vol 2, paras. 4.91 to 4.113, pp879-886.
334 Leveson Report, Vol 1, para 12.13(a) & (c), pp417/8.

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of Neil Wallis.[335] Earlier in the month, the Leveson Inquiry had heard that Dick Fedorcio had invited people from two leading public relations firms to submit rival bids for the contract that was awarded to Neil Wallis. However, Lord Justice Leveson suggested that the companies had been chosen because Dick Fedorcio knew they would be more expensive than Neil Wallis. Dick Fedorcio denied this but confirmed that he initially wanted to award the contract to Neil Wallis without any competition.[336]

7.4.6 Conclusions

418. As Commissioner from 2000 to 2005, Sir John Stevens cultivated the media, including the *News of the World*, with a view to improving the picture being given by the media of the work of the Metropolitan Police. On retiring as Commissioner in 2005, Lord Stevens signed contracts with the *News of the World* to write articles for the newspaper, a potentially compromising relationship to which the Leveson Inquiry paid close attention. However, the Leveson Report made no criticism of Lord Stevens' conduct in this respect.

419. The Panel recognises that as both Deputy Commissioner and Commissioner, Lord Stevens had major managerial and strategic roles which make it entirely understandable that he would not be informed about most day-to-day operational details with regard to particular investigations. Furthermore, even if informed, the passage of time would make it probable that he would not remember many of the details about which he possibly was told, or which were the subject of papers which crossed his desk.

420. However, given the importance that Lord Stevens was attaching as Commissioner to both the extirpation of police corruption and being more open with the media, it is surprising that his attention was not drawn to the very serious allegations about the illegal trade in police-derived information between Law & Commercial and the *News of the World*, and the allegation that the *News of the World* was attempting to subvert the Senior Investigation Officer, former DCS David Cook, leading the Abelard One/Morgan Two Investigation. Following publication of the article in *The Guardian* in 2002, the first of those allegations had become public knowledge. It was therefore inevitable that Lord Stevens' relationship with the *News of the World* and his subsequent contract with the newspaper would give rise to suspicions of partiality unlikely to inspire confidence that police corruption was being tackled.

421. **It is clear that, at the very least, Lord Stevens failed to exercise due diligence about the *News of the World*, police and Law & Commercial connections before entering into a contract with the *News of the World*. The Panel notes that Lord Stevens did not complete the contract with the *News of the World* after two of its employees were convicted. However, a cursory check of intelligence records would have revealed the wealth of data held by the Metropolitan Police about the linkages between the *News of the World*, Law & Commercial and illegally obtained police information and the role of corruption in those linkages.**

422. **By the same token, former AC Andrew Hayman, given his senior operational responsibilities when serving with the Metropolitan Police, must have been aware that 'phone hacking' was a serious matter and that parts of the press, including the *News of***

335 Report of the Independent Police Complaints Commission, Investigation into the decision to employ Mr Neil Wallis of Chamy Media Ltd. as a specialist advisor to the Metropolitan Police, para 140

336 Leveson Report, Vol 2, paras 4.102-4.106, pp882-884.

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the World, part of the same newspaper group that went on to employ him, were culpable recipients of the confidential information being supplied. His public downplaying of the practice compromised the integrity of the police.

423. **The absolute need for clear boundaries to be maintained between senior police personnel and those working in the mass media is demonstrated by the events summarised above. While the Panel's Terms of Reference do not encompass the specific matters that led to the resignations, it is appropriate for the Panel to state that the demonstrated links between personnel at the highest levels of the Metropolitan Police and people working for a news organisation linked to criminality associated with the murder of Daniel Morgan, are of serious and legitimate public concern.**

424. **For senior police officers to take up employment with media outlets or other organisations, whose record involves criminal activity, is profoundly damaging for the reputation of the police service. In this instance, it contributed to the establishment of the Leveson Inquiry and the inclusion of a specific provision within the Terms of Reference of the Daniel Morgan Independent Panel. The Panel therefore welcomes the adoption in 2018, of the recommendation contained in Lord Justice Leveson's Report that consideration be given to whether limits should be placed upon the nature of any employment of Chief Officers within or by the media, post-service.[337] It is now national policy that all officers in England and Wales of Assistant Chief Constable/Commander rank and above, should notify and obtain the approval of their Chief Officer or Police and Crime Commissioner of their intention to take up any paid or unpaid position, whether with media organisations or elsewhere, within 12 months of leaving the police service.[338]**

7.5 Misuse of police information from 2006 onwards

425. Following the acquittal of the five Defendants in March 2011, former DCS David Cook was investigated over a period of nine years by both the Metropolitan Police and the Independent Police Complaints Commission (later Independent Office for Police Conduct) because of alleged criminality and misconduct. The allegations related to: elements of former DCS Cook's conduct of the Abelard Two Investigation; unauthorised possession of official information and documentation belonging to or originating from the Metropolitan Police, Essex Police, Surrey Police, the Serious Organised Crime Agency, the Metropolitan Police Authority, and material belonging to Jonathan Rees who had been charged with the murder of Daniel Morgan; and unauthorised disclosure of some of that material to third parties. In addition to the disclosure which can be identified from email chains, there is evidence that documents may, on occasion, have been hand-delivered to recipients. The disclosures took place over a period from 2006 until 2014.

426. There were the following five investigations:

i. Operation Longhorn, 2011-2015: alleged unauthorised disclosure of 5,846 pages of official documents covering the period between 23 August 2006 and 07 September 2011, attached to some of 620 emails between former DCS David Cook and the journalist, Michael Sullivan. Although all the emails and attachments sent by former

337 Leveson Report, Vol 2, para. 4.151, p898.

338 https://www.gov.uk/guidance/chief-officers-post-service-employment#chief-officer-ranks-where-approval-for-post-service-employment-is-required.

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DCS Cook to Michael Sullivan were analysed, the report of the Independent Police Complaints Commission focused on 46 emails with 43 attachments which had been sent from former DCS Cook to Michael Sullivan (see Chapter 9, Post-Abelard Two).[339]

ii. The BBC *Panorama* investigation, 2012-2017: alleged unauthorised disclosure of confidential material belonging to Jonathan Rees, to a BBC *Panorama* programme which was broadcast on 14 March 2011, three days after the Defendants in the prosecution for the murder of Daniel Morgan were acquitted (see Chapter 9, Post-Abelard Two).

iii. Operation Megan, 2012-2018: alleged misconduct in relation to protected witnesses, and deliberate failure to disclose material to Defence lawyers.

iv. Operation Edison, 2014-2020: alleged possession of material belonging to the Metropolitan Police and the Serious Organised Crime Agency and other police agencies and unauthorised disclosure by former DCS David Cook of material to journalists and other third parties (see Chapter 9, Post-Abelard Two).

v. Operation Megan Two, 2017-2019: statements by Mr Justice Mitting that former DCS Cook had done an act which tended to pervert the course of justice by breaching the sterile corridor and prompting witness evidence and concealing the fact that he had done so from the Crown Prosecution Service and Prosecution Counsel (see Chapter 9, Post-Abelard Two).

427. The investigations arose from a series of events, including:

i. the fact that material was found in 2011 at the home of the journalist Michael Sullivan by police officers from Operation Elveden, which was enquiring into allegations of inappropriate payments by journalists to police officers and other public officials**;**

ii. comments made by Mr Justice Maddison in the Crown Court in 2011 and Mr Justice Mitting in the High Court in 2016;

iii. a complaint made by Jonathan Rees initially in January 2012, the content of which was finalised in 2014; and

iv. a realisation by the Metropolitan Police that former DCS David Cook was in possession of material belonging to the Metropolitan Police in 2014, and a consequential search of his home, during which very large quantities of material were found.

428. There are very strict rules governing the handling and dissemination of investigation materials, and the disclosure or discussion of investigative techniques and methodologies. These rules exist to ensure the integrity of criminal investigations so that any prosecution will not be compromised, and the processes of investigation will be protected.

429. Unlawful access to police information occurs whenever details are provided by corrupt officers or police staff from the Police National Computer database or from other police documentation, such as *The Police Gazette*. In some cases, unlawful disclosure of information

339 '*Investigation into the actions of Mr David COOK unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p14, para 51, September 2014.

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enables journalists to publish material to which they should not have access. In other cases, it may impede or prevent a prosecution, because suspects become aware of what is happening during a police investigation and can take action to protect themselves.

430. In some cases, no money changes hands, but a benefit to an officer can be identified. Before the passing of the Criminal Justice and Courts Act 2015, there was no general offence of '*corrupt or other improper exercise of police powers and privileges*'.[340] The offences which might be committed by an officer who unlawfully disclosed information or material before 2015 included misconduct in public office.

431. Operation Longhorn, the BBC *Panorama* investigation and Operation Edison all involved unauthorised disclosure of police material to third parties by former DCS David Cook. Those to whom information was disclosed without lawful reason included a number of journalists: Michael Sullivan of News International, Glen Campbell, Peter Jukes, Laurie Flynn, Douglas Kempster and Tom Harper; and others such as former AC Robert Quick, Alastair Morgan, and Alastair Morgan's solicitor, Raju Bhatt.

432. During and after the Abelard Two Investigation, former DCS David Cook and Michael Sullivan were writing a book together. The draft chapters of the book referred extensively to Daniel Morgan's murder and its investigation, but it also appears to have been intended to deal with police and media corruption on a wider scale. As time passed, former DCS Cook gathered very significant numbers of confidential investigation files and materials relating to police corruption. The documents and material sent by former DCS Cook to Michael Sullivan and examined in Operation Longhorn were not limited to material relating to the murder of Daniel Morgan. A further 620 emails and 5,846 pages of documents covering the period between 23 August 2006 and 07 September 2011 were provided to the Metropolitan Police by News International. These documents were analysed, and a report in July 2014[341] concluded that:

> '*what is evident from reviewing these 5846 pages of documents is that David COOK was intent on advancing his career as a future author of books and as a result provided Mike SULLIVAN with unrestricted access to material belonging to the Metropolitan Police Service and Operation ABELARD II. Although it is apparent from the content of some of these emails and from his prepared statements to the IPCC* [Independent Police Complaints Commission] *that he was experiencing both health and personal problems, he was undeterred in his mission to publish this book.*'[342]

433. In the BBC *Panorama* investigation, video footage of a boat trip by Jonathan Rees and invoices belonging to him, which had been stored on his computer, were found to have been given by former DCS David Cook to journalist Glen Campbell, who was making the BBC *Panorama* programme '*Tabloid Hacks Exposed*'.[343]

434. A search warrant was obtained and executed at former DCS David Cook's home address in November 2014. Forty-two exhibits were seized, including a large number of electronic storage devices including laptops, memory sticks and mobile telephones.[344]

340 Introduced under the Criminal Justice and Courts Act 2015, s26.
341 Report by a Detective Constable, MPS109840001, 31 July 2014.
342 Report by a Detective Constable, MPS109840001, pp17-18, 31 July 2014.
343 Operation Megan Report, MPS109687001, p14, undated.
344 Operation Megan Report, MPS109687001, paras 6.3–6.5, p13, undated.

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435. Operation Edison produced a report which stated that '*there is material present that originates from major crime investigations conducted in the mid-1990s during his work with Surrey Police, including many murder enquiries and high profile investigations, through to his leadership of Operation Morgan 11 (Daniel Morgan murder enquiry) from 2001-2002, his work with SCD1 Homicide (2003-2005) and the further investigation of Operation Abelard 2 from 2006-2011 and beyond*'[345] (see Chapter 9, Post-Abelard Two). This material included reports, intelligence logs, intelligence reports, case papers, research and analysis documents, Metropolitan Police legal advice and email correspondence, and reports to the Crown Prosecution Service for advice.

436. The recovered documentation varied in its classification, from open source material which is freely available to the public, to highly sensitive, secret documents.[346] They ranged in date from 1987 to 2014.[347,348] As stated above, former DCS David Cook shared some of this material, including material marked 'Secret' and 'Confidential', with third parties. The Operation Edison investigation focused on disclosure to journalists, although the disclosures identified included disclosures to other individuals, some of whom were interested in matters of media corruption, such as the issues dealt with by the Leveson Inquiry. Material was disclosed which could have put at risk the lives of people identified in those documents had their content become known.

437. Documents relating to the investigation of the murder of Daniel Morgan which had been disclosed unlawfully by former DCS David Cook to various people included the following:

i. Many witness statements dating from 1987;[349]

ii. Details of witnesses and suspects;[350]

iii. Debrief reports containing intelligence naming individuals;[351,352]

iv. Intelligence reports;[353]

v. An interim report on Operation Two Bridges;[354]

vi. A spreadsheet summarising 200 audio listening-device recordings from Operation Two Bridges;[355]

vii. Gold Group meeting minutes marked 'Confidential';

viii. Surveillance logs;[356]

345 Edison Report, EDN002277001, p2, para 1.8, 04 February 2020.
346 Briefing note re Operation Megan Report, Metropolitan Police Service Directorate of Professionalism, p1, 26 January 2015.
347 Report by DS Gary Dalby, Review of Edison Tranche 2, EDN001054001, 23 May 2018.
348 Report by DS Gary Dalby, Retention and Redaction Op Edison – Tranche 3, EDN001055001, 24 May 2018.
349 Operation Edison Appendix B review of emails and attachments, EDN002279001, p.4, 04 April 2010.
350 Operation Edison Appendix B review of emails and attachments, EDN002279001, p.1, 13 October 2009.
351 Edison Report, EDN002248001, p13, para 65, June 2019.
352 Operation Edison Appendix B review of emails and attachments, EDN002279001, p.6, 04 August 2010.
353 Edison Report, EDN002248001, p14, para 75, June 2019.
354 Edison Report, EDN002248001, p11, para 57, June 2019.
355 Edison Report, EDN002248001, p7, para 38, June 2019.
356 Edison Report, EDN002248001, p8, para 40, June 2019.

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ix. Extensive quantities of material from the Abelard Two Investigation,[357] including a tabular analysis of the evidence given by all the major witnesses to date and evidence derived from the Inquest against each of the four Defendants charged with the murder of Daniel Morgan;[358,359]

x. Material relating to other police operations which derived from the investigation of Daniel Morgan's murder, such as the Asda supermarket robbery file; [360]

xi. Email exchanges with members of the family of Daniel Morgan and others, including journalists, concerning matters relating to the investigation.[361] One hard drive alone was found to contained 15,797 emails;[362] and

xii. A strictly confidential letter to the Editor of *The Guardian* in relation to the activities of two journalists working for the newspaper.[363]

438. In addition to this, multiple 'Secret' and 'Confidential' documents, including investigation reports, intelligence documents, and other sensitive material from many other investigations and operations not related to the murder of Daniel Morgan, were disclosed by former DCS David Cook to various people. Some of these documents related to the identity of police informants and were classified as 'Secret' to protect the lives of the individuals involved.

439. There is no evidence of payment for any of the unauthorised disclosures made by former DCS David Cook. However, there is evidence that he hoped to profit from his activities in the future. For example:

i. DCS Cook began to discuss with Michael Sullivan the prospect of writing a book, '*the Book Project*', about the investigation of the murder of Daniel Morgan as early as 2006.[364] It was for this purpose that he provided material to Michael Sullivan. One email from DCS Cook to Michael Sullivan stated:

> '*The main thing I ask is that we*
>
> *1. Make an early agreement as to how we are going to do this and work towards it*
>
> *2. Keep it to ourselves to prevent professional problems and infiltration as you will soon find out*
>
> *3. Keep it absolutely factually based*
>
> *4. Do not expose secret police methodology*
>
> *5. Split everything 50/50*[.]'[365]

357 Operation Edison Appendix B review of emails and attachments, EDN002279001, various dates.
358 Email from former DCS David Cook to Michael Sullivan, EDN001819001, 28 June 2010.
359 Evidence summary, document attached to email dated 28 June 2010, EDN001820001, undated.
360 Email from former DCS David Cook to Michael Sullivan, EDN001121001, 09 April 2010.
361 Edison Report, EDN002248001, p5, paras 23-24, June 2019.
362 Operation Edison material held by the Metropolitan Police DPS, PNL000267001, p2, para 5ii, 10 September 2017.
363 Edison Report, EDN002248001, pp6-7, paras 35-38, June 2019.
364 '*Investigation into the actions of Mr David COOK unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, pp27-28, para 135, September 2014.
365 '*Investigation into the actions of Mr David COOK unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p28, para 137, September 2014.

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ii. An email from former DCS Cook to Michael Sullivan, dated 02 June 2010, enclosed information about two of the Defendants in the Abelard Two Investigation, extracts from listening-device material obtained during Operation Nigeria/Two Bridges, and a list of corrupt former police officers associated with the Defendants, including details of their convictions. DCS Cook wrote, '[t]*he attached file may be of some interest re background* […] *the project is lodged in my mind about hoping to get something out of this otherwise I am saddled with a mortgage that I neither want or need*'.[366]

iii. In an email dated 26 February 2011, DCS Cook enquired of Glen Campbell, '[n]*ot sure there is much on it but what would a copy of a certain PI's*[367] *hard drive* [sic] *worth*'.[368]

440. There is ample evidence that former DCS David Cook knew that he was disclosing information which should not be disseminated. For example:

i. Attached to an email dated 27 October 2009 from former DCS Cook to Michael Sullivan was a report on an unrelated and unsolved murder in 1996 which named suspects and had been sent to the Abelard Two Investigation by Essex Police.[369] It was described as being '[n]*ot for further circulation*'.[370]

ii. An email on 02 November 2009 contained information relating to violent crime. DCS Cook wrote: '*Mike, This will give you some great background of the levels of violence the Vians are engaged in. It is absolutely not for further circulation*.'[371]

iii. On 09 October 2010, Glen Campbell emailed former DCS Cook: '*Let me know when I can collect the 1999 Southern document* […]'. Former DCS Cook replied saying that he had them electronically and could send them anytime, but he wanted '*some assurances about how they will be used. I cannot afford for them to be blazoned across a TV screen.*'[372]

iv. An email dated 23 February 2011 from DCS Cook to Michael Sullivan referring to a matter unrelated to the murder of Daniel Morgan stated, '*attached is the conspiracy by Glenn* [Vian] *and Garry* [Vian] *that was captured by the probe we deployed through the house we purchased. With regards the other stuff, if I can find a way of getting it out without causing any problems I will see what I can do.*' This document was classified as 'Restricted'.[373]

v. By 05 October 2013, former DCS Cook had obtained possession of a Metropolitan Police document wanted by writer/journalist Peter Jukes, and emailed to say that that he had obtained possession of the documentation '*totally on the QT via a circuitous route and I would not want the person who has control of it to know I have it*'.[374]

366 Email 28 of 46 from Appendix A of the Operation Longhorn Report, IPC001349001, p2, 02 June 2010.
367 The letters 'PI' were interpreted by the Independent Police Complaints Commission as being an abbreviation for Private Investigator.
368 *'Investigation into complaint made by William.J.Rees'*, IPC001411001, p21, para 153, 14 December 2016.
369 '*Review of Exhibit KRR/50'*, Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p5, item 22, undated.
370 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p5, item 22, undated.
371 '*Review of Exhibit KRR/50*', *Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p5, item 23, undated.
372 '*Investigation into complaint made by William.J. REES*', IPC001411001, p18, paras 135-136, 14 December 2016.
373 '*Review of Exhibit KRR/50*', Emails from former DCS David Cook to Michael Sullivan, IPC001321001, p9, item 37, undated.
374 Edison Report, EDN002277001, p34, para 5.33, 04 February 2020.

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441. Former DCS David Cook is reported to have told the Independent Police Complaints Commission that '*he accepted that he should not have sent confidential documents and this would never have been authorised. He did not attempt to argue that there was any legitimate investigative purpose for disclosing the information and it would appear to have been sent simply to assist the book project.*'[375]

442. Former DCS David Cook's reason for the '*Book Project*' was to set '*the record straight*', and in justification of his many disclosures to journalists, former DCS Cook spoke repeatedly of correcting misapprehensions, his wish to '*show the integrity of his investigation*', protecting the reputation of the police and acting in the public interest.[376]

443. The unauthorised disclosures by DCS David Cook were investigated, as stated above, in three different enquiries (see Chapter 9, Post-Abelard Two).

444. In Operation Longhorn, it was decided by the Head of the Crown Prosecution Service Organised Crime Division, Gregor McGill, that there would be no prosecution:

> '*I am satisfied that the broad extent of the criminality has been determined and that I can make a fully informed assessment of the public interest. I am satisfied that the public interest does not require a prosecution in this case and that this case should not proceed further*.'[377]

445. In the BBC *Panorama* case, the matter was not referred to the Crown Prosecution Service by the Deputy Chair of the Independent Police Complaints Commission, Deborah Glass, who decided that there was no indication '*that criminal offences may have been committed*' and that even if there were, '*there is no realistic prospect of the full code evidential and public interest charging tests being met and so it would be inappropriate for the matters in the report to be considered by the DPP* [Director of Public Prosecutions]' and '*I have accordingly decided not to refer this investigation to the DPP*.'[378] The matter was not referred on the basis that it could not be proved beyond a reasonable doubt that former DCS David Cook had provided the documents to the BBC *Panorama* programme broadcast on 14 March 2011.

446. In the report of Operation Edison, it was noted that, despite being under investigation in Operation Longhorn, former DCS David Cook continued to disclose material to journalists.[379] The nature of that material in large part related to the alleged corrupt relationship between members of the press and private investigators.[380] The purpose of disclosing the information from reading the email content, appears to have been in part to expose this corrupt relationship.[381]

447. As was the case in Operation Longhorn, there was no full investigation of all the unauthorised disclosures and the retention of police materials. A very limited preliminary investigation report was sent to the Crown Prosecution Service.

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375 '*Investigation into the actions of Mr David COOK unauthorised disclosure of documents to a journalist whilst he held a public office*', IPC001370001, p18, para 72, September 2014.
376 Crown Prosecution Service, Operation Longhorn Report, IPC001410001, p33, para 146, 11 September 2015.
377 '*Endorsement by Head of Division*', IPC001410001, p57, 29 September 2015.
378 Commission delegate decision regarding early referral to the Director of Public Prosecutions (DPP), p10, 03 January 2017.
379 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, pp62-63, para 6.23, 04 February 2020.
380 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p61, para 6.16-6.18, 04 February 2020.
381 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p61, para 6.16-6.18, 04 February 2020.

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448. The Reviewing Lawyer noted that '*the disclosure of information covering these headings* [occurred] *in 2012-2014 when there was a real national focus on the conduct of journalists and those who worked for them, was capable of raising or contributing to an important matter of public debate about serious impropriety, significant unethical conduct and significant incompetence. Given that the issues were still current in the public domain, the likely public interest served by this information in my view was medium to high.*'[382] It was therefore decided that there would be no prosecution, because of the existence of a potential defence by former DCS David Cook that his activities were justified as being in the public interest.

449. Former DCS David Cook was a very senior officer with direct access to the Assistant Commissioner at the Metropolitan Police until 2011, and to senior managers in the Serious Organised Crime Agency until his resignation in 2013. There were mechanisms available to him through which he could have brought his concerns about failings in the investigations of Daniel Morgan's murder, and his concerns about the activities of corrupt police officers, the media and private investigators to the attention of his managers in both organisations. He had written a report in 2006 which was submitted by AC John Yates to the Metropolitan Police Authority about the investigations into the murder of Daniel Morgan. He had access to all the material he needed to bring concerns to the attention of the police in both the organisations in which he served (see Chapter 7, The 2006 Report to the Metropolitan Police Authority). Since 1998, there have been statutory protections against detrimental treatment or victimisation for those who in the public interest raise a concern about alleged wrongdoing including corrupt, illegal or unethical behaviour under the Public Interest Disclosure Act 1998. Former DCS Cook could have taken this route had he felt unable to take any other route. He chose not to do so.

450. It is surprising that a senior police officer, faced with the possibility that there would be no successful prosecution of a murder because of lack of evidence, should conclude that the suspects were guilty and that he was justified in removing confidential and secret investigation materials to his own home in order to write a book which would '*set the record straight*'. It is equally surprising that a senior officer, concerned about police/press corruption (which inevitably involves unlawful dissemination of material), should conclude that these matters would be best dealt with by engaging in further unlawful dissemination of material to journalists and others.

451. It is even more surprising that senior lawyers should conclude that former DCS David Cook had a public interest defence for his criminal behaviour that was so strong that it could not be challenged. This sends an appalling message to officers of all ranks about how the criminal justice system views such conduct, which is in breach of all the fundamental duties of a police officer.

382 Investigative advice of Senior Specialist Prosecutor Michael Gregory, EDN002277001, p62, para 6.19, 04 February 2020.

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452. It is accepted that policing has long been understood as a profession in which officers stand together – a 'blue wall'. That blue wall was intended to enable and support the fight against crime. Those working in policing are often in a unique position to bring evidence of wrongdoing by colleagues to their superiors. However, in some circumstances those within policing ranks who have sought to report wrongdoing have also experienced the blue wall, and have been ostracised, transferred to a different unit, encouraged to resign, or have faced disciplinary proceedings themselves. Members of anti-corruption units in police forces have experienced hostility and rejection because of the work which they have been appointed to do.

453. Standard 10 of the Police Code of Ethics 2014 now tells officers, '[y]*ou have a positive obligation to question the conduct of colleagues that you believe falls below the expected standards and, if necessary, challenge, report or take action against such conduct*'. It also states that '[i]*f you feel you cannot question or challenge a colleague directly, you should report your concerns through a line manager, a force reporting mechanism or other appropriate channel*' and that '[t]*he policing profession will protect whistleblowers according to the law*'.[383]

454. There are now statutory protections against detrimental treatment or victimisation for those who in the public interest raise a concern about alleged wrongdoing including corrupt, illegal or unethical behaviour under the Public Interest Disclosure Act 1998. There is also national guidance published by the College of Policing on their website in 2016, which provides for the following:

i. If a person raises a genuine concern, there should be no risk of reprisal or consequence if they are mistaken.

ii. Forces need to put robust processes in place to ensure harassment or victimisation of those reporting concerns is not tolerated.

iii. Reports should be kept confidential and if a person reporting a concern wishes to remain anonymous, they should be able to do so.

iv. The person reporting concerns must be consulted and kept updated throughout the investigation.[384]

455. Police officers and police staff who report alleged wrongdoing are, therefore, not only to be protected against discrimination but also to be supported by line managers, to be encouraged to seek the assistance of their union or staff association and, where necessary, to be referred for specialist help from occupational health units. The recent approach to whistleblowing is a significant improvement in terms of principles and policy. The Panel notes that there may be a considerable gap between theory and practice when it comes to safeguarding whistleblowers.

383 College of Policing, Code of Ethics, p15, paras 10.2-10.4, July 2014.

384 https://www.college.police.uk/News/College-news/Pages/reporting_concerns.aspx

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456. The Public Disclosure Act 1998 introduced arrangements to support '*protected disclosure'* in specified circumstances. The act of protected disclosure is more commonly referred to as 'whistleblowing'. Until very recently there has been continuing cultural resistance to measures to protect whistleblowing. Despite this, there are, and have been for a long time, processes through which police officers who wish to address corruption can do so. Officers are under an ethical duty to report known wrongdoing and do not have the right to act unlawfully themselves in the pursuit of their aims. To do so is to act corruptly.

RECOMMENDATION

457. It is recommended that Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services conduct a thematic investigation of the operation of the practices and procedures introduced following the adoption of the Code of Ethics in 2014 to determine whether sufficient resources are available to ensure appropriate protection of those police officers and police staff who wish to draw alleged wrongdoing to the attention of their organisations.

7.6 Concluding remarks

458. The Panel has found evidence of corruption in the linkages between serving police officers and private investigators, and in particular with Southern Investigations (later Law & Commercial) at the time of Daniel Morgan's murder and afterwards. The Panel has also found corruption in the linkages between Southern Investigations and former police officers, some of whom had been dismissed and others who had retired while disciplinary procedures were pending, but who continued to obtain information and assistance from former colleagues within the Metropolitan Police. The documentation indicates that these linkages were used in an illegal trade in confidential information, much of it police information, via private investigators to the media. In particular, the information was sold to the *News of the World*, the media organisation named in the Panel's Terms of Reference[385] and which accounted for an increasing proportion of Southern Investigations' business by the early 1990s. The involvement of serving police officers in trading in confidential information obtained illegally is a form of corruption. It was also a breach of the rules of professional conduct for editors.[386]

459. The Panel has traced in the documentation the increasing concern of the Metropolitan Police about this illicit trade in information that continued to develop in the 1990s and was reflected in the intelligence gathered by operations such as Nigeria/Two Bridges, which showed that Southern Investigations/Law & Commercial was operating as a hub of corruption.

385 Terms of Reference, para 3.

386 '*Editors' Code of Practice*', The Press Complaints Commission, https://accountablejournalism.org/ethics-codes/UK-Press-Complaints.

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460. The discussion above reflects the concerns expressed in the advisory report by Elizabeth Filkin QC,[387] commissioned to assist the Metropolitan Police in preparing its evidence for the Leveson Inquiry[388] in the wake of the 2011 'phone hacking' scandal involving the *News of the World*. The report called for more extensive, open and impartial provision of information to the public and drew attention to concerns about:

i. senior police officers working in the media after retirement;

ii. the lack of a coherent policy for police relations with the media;

iii. police media contacts being mediated by former police officers, some of them private investigators; and

iv. the lack of a corporate media strategy in the Metropolitan Police.

461. The report of Elizabeth Filkin quoted the allegation made by John Whittingdale MP, Chairman of the House of Commons Culture, Media and Sports Select Committee:

> '*The only reason that I can think that the hacking enquiry was not fully pursued was that it was a story that the police did not wish to uncover. They did not want to damage their relationships with News International. It was appalling negligence if not corruption. I fear that the damage to public confidence in the police as a result of the hacking scandal will be colossal.*'[389]

462. In December 2020, the Metropolitan Police told the Panel that its current media policy describes the principles underpinning the way the Metropolitan Police communicates with the media. It explained that '*it is aligned to the College of Policing's Guidance on Relationships with the Media and has been updated, taking account of Lord Justice Leveson's public inquiry and other recent relevant reports including the Filkin report.*'

8 Confronting corruption and incompetence

463. An inability to explain its acknowledgment of the impact of corruption on the Morgan One Investigation and institutional defensiveness were a hallmark of the Metropolitan Police responses to challenges to its failure to bring anyone to justice for the murder Daniel Morgan. The admissions of corruption in 2011, more than 24 years after the murder, were unclear. Confronting corruption required a fresh, thorough and critical look at the original investigation and those which followed.

8.1 Integrity and conflicts of interest

8.1.1 Freemasonry

464. The possible impact of relevant police officers' membership of the Freemasons, and their consequential Masonic loyalties, has been a cause of suspicion and distrust by those investigating the murder of Daniel Morgan. Membership of the Freemasons requires the swearing of solemn oaths, on pain of death if breached, of secrecy and obedience to the

387 Elizabeth Filkin, '*The ethical issues arising from the relationship between the Police and the Media: Advice to the Commissioner of Police of the Metropolis and his Management Board*', p33, January 2012.
388 Lord Justice Leveson, Inquiry into The Culture, Practices and Ethics of the Press, 2011-2012. (Report 29 November 2012).
389 Elizabeth Filkin, '*The ethical issues arising from the relationship between the Police and the Media: Advice to the Commissioner of Police of the Metropolis and his Management Board*', p8, January 2012.

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mysteries of Freemasonry. The Panel has seen no evidence that Masonic connections were a factor in Daniel Morgan's murder, nor that they were improperly deployed to frustrate the investigations into it. However, there is evidence of the concern about the extent to which Masonic loyalties might conflict with those which police officers owe to each other and to the public by virtue of their office. Although the Panel has seen no evidence that Masonic connections were a factor in the murder, or that they were improperly deployed to frustrate the investigations into it, the documentation shows that suspicions were entertained by investigating officers over several decades.

465. Some of the police officers prominent in the first investigation of the murder of Daniel Morgan were Freemasons. It is known that DS Sidney Fillery was a Freemason, and became Master of two different Lodges in 1993 and 1996.[390] The following were also Freemasons: DC Alan Purvis,[391,392,393] DC Peter Foley,[394] DI Allan Jones,[395] DS Malcolm Davidson (in the 1970s),[396] DC Duncan Hanrahan,[397] PC Derek Haslam,[398] DC Michael Crofts,[399] DC Kinley Davies[400] and DCI Wallis.[401] The police officer whose death by suicide was thought by some to be linked to the murder of Daniel Morgan, DC Alan Holmes, was the Master of his Lodge.[402] No link was established between the death of DC Holmes and the murder of Daniel Morgan. The evidence indicates that the suggestion originated with Jonathan Rees.

466. Evidence showed that DC Alan Holmes's death by suicide was linked to a major anti-corruption investigation against Commander Ray Adams. Commander Adams described himself as '*a lapsed member*' of the Freemasons. DC Holmes left a suicide note which stated among other things that '*I have been forced to inform on a CID Police Commander*'.[403] By some this was construed as referring to his Freemason's oath, but it could as easily have simply referred to the personal and professional loyalty he had for a senior officer.

467. When in 1988 Jonathan Rees made a complaint against D/Supt Douglas Campbell and other police officers involved in the original investigation into the murder of Daniel Morgan, D/Supt Campbell was told that Jonathan Rees's complaint against him was being financed by '*Police Officers with Masonic connections*'.[404] Jonathan Rees was questioned about this in March 1988. He did not respond to the questions put to him.[405] Jonathan Rees was initiated into the Freemasons on 20 November 1991.[406]

468. DCI David Zinzan, who led the covert side of the Abelard One/Morgan Two Investigation, was aware that suspects in the case were '*corrupters of police*'. The possibility that Masonic connections might be used for corrupt purposes caused DCI Zinzan to be concerned about the proximity of his incident room to the offices of Law & Commercial (alternative premises were

390 Intelligence report, MPS099613001 p679, 24 January 2000.
391 Witness statement DC Alan Purvis, MPS036855001, p7, 26 November 1992.
392 Witness statement of a Detective Constable I, MPS035995001, p3, 07 August 1990.
393 Interview of DC Peter Foley on 03 April 1987, PNL000052001, pp317-318, 03 April 1987.
394 Interview of DC Peter Foley, MPS010609001, pp64 and 68, 03 April 1987.
395 '*Result of A1881*', MPS068415001, 08 April 2008.
396 Panel interview with former DS Malcolm Davidson, PNL000196001, p10, 20 October 2015.
397 Intelligence report, MPS099714001, p315, 02 November 2009.
398 Officers report, MPS008801001, 02 December 1988.
399 Officers report, MPS008801001, 02 December 1988.
400 Panel interview with former DC Kinley Davies, p4, 12 June 2016.
401 Witness statement of Police Officer N21, MPS077976001, p2, 02 February 2007.
402 The report of Wagstaff, para 9, 05 November 1987.
403 The report of Wagstaff, para 319, 05 November 1987
404 Interview of Jonathan Rees, MPS011591001, p56, 03 March 1988.
405 Interview of Jonathan Rees, MPS011591001, p56, 03 March 1988.
406 Information report, MPS099613001, p679, 24 January 2000.

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located) and he was insistent that his team should be vetted by the Complaints Investigation Bureau, and that enquiries should be made as to whether the officers were Freemasons, which in DCI Zinzan's view would '*preclude them from being on the enquiry team*'.[407]

469. In 2007, a statement to the Abelard Two Investigation by former Police Officer N21, who had worked on the Catford Crime Squad at the time of the murder of Daniel Morgan, highlighted the significance of Freemasonry in the Catford Crime Squad:

> '*In relation to the hierarchy DCI Wallis was in charge however I believe he was very much influenced by Sid* [DS Sidney Fillery]. *It was well known that membership to the masons was rife in the police especially in the CID. Sid and DCI WALLIS were masons. Sid held a higher position in the same lodge as DCI WALLIS. Later on in my career when Sid had actually left the police he got me to drive him to a lodge meeting where I remember seeing a lot of police officers. They appeared to still show Sid respect even after the murder of Daniel Morgan*.'[408]

470. The Panel has received information from a former police officer in the Metropolitan Police at the time of Daniel Morgan's murder. He stated that he believed that '*the corruption of freemasonry influenced every attempt at seeking the truth in the initial Morgan criminal investigation and subsequent enquiries*'.[409] He wrote about the adverse influence of Freemasonry on Operation Countryman, about prosecuted police officers' associations with criminals and about officers who were protected by Freemasonry during investigations conducted in Operation Countryman, investigations that were alleged by some to have been obstructed and flawed (see paragraph 60).

471. The question as to whether Masonic membership is incompatible with a police officer's duty to serve all citizens impartially was systematically reviewed in a report, *Freemasonry in the Police and the Judiciary,* from the Home Affairs Committee of the House of Commons in March 1997. Some commentators have argued that ruling Masonic membership incompatible with the position of a police officer would breach human rights principles. The Committee did not find membership of the Freemasons to be '*incompatible*' with the holding of public office, but the Committee did conclude that the fact of membership should be known.[410]

472. Some prominent police spokespersons continue to believe that Masonic membership has a corrupting influence within the police. For example, in 2017 Steve White, outgoing Chair of the Police Federation, publicly expressed the view that certain police reforms were being blocked by police officers who were members of the Freemasons. Their influence in the service was, he felt, thwarting the progress of women and officers from black and minority ethnic communities. He stated that:

> '[w]*hat people do in their private lives is a matter for them. When it becomes an issue is when it affects their work. There have been occasions when colleagues of mine have suspected that Freemasons have been an obstacle to reform.*

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407 Report by DCI David Zinzan, MPS054322001, p2, 14 March 2001.
408 Witness statement of former Police Officer N21, MPS077976001, p2, 02 February 2007.
409 Letter from a Detective Sergeant, PNL000271001, p3, 26 September 2019.
410 *Freemasonry in the Police and the Judiciary*, Home Affairs Committee of the House of Commons, March 1997.

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> '*We need to make sure that people are making decisions for the right reasons and there is a need for future continuing cultural reform in the Fed* [sic]*, which should be reflective of the makeup of policing.*'[411]

473. Steve White was not in favour of prohibiting officers from being Freemasons but thought that they should have to declare their membership. There was an inequity. Police officers were prohibited by law from being members of trade unions and political parties because of a possible conflict of interests,[412] but there is/was no such regulation/rule against membership of the Freemasons which demands an oath of secrecy and obedience to the organisation above all else.

474. The former Metropolitan Police officer (referred to at paragraph 470 above) contacted the Panel in 2018 and said that the notion that the influence of Freemasonry was now '*peripheral*' in the police was '*laughable*'. Officers, particularly Criminal Investigation Department (CID) officers, joined the Freemasons as a means to '*get on in the job*'. Their seniority in the Freemasons meant that their influence within the police was sometimes at odds with their rank in the police. He cited the example from his own experience of a uniformed Police Constable driver being able to challenge a senior officer.[413]

475. Public trust, and trust between police officers, is vital for the operational effectiveness of the police. It is for this reason, following the Nolan Principles of Public Life, in particular Principles 4 and 5 – Accountability and Openness[414] – that the College of Policing Code of Ethics stipulates that:

> '[m]*embership of groups or societies, or associations with groups of individuals, must not create an actual or apparent conflict of interest with police work and responsibilities.*
>
> '*The test is whether a reasonably informed member of the public might reasonably believe that your membership or association could adversely affect your ability to discharge your policing duties effectively and impartially.*'[415]

476. At the time of Daniel Morgan's murder, there was no official record of whether or not a police officer was a member of the Freemasons. This is still the position in the Metropolitan Police, unless officers volunteer the information. After the introduction of a voluntary register of Freemason membership in 1999, the Home Office reported on the database of voluntary responses by police officers, indicating that '*only 37% of police officers and support staff declared whether or not they were Freemasons*'[416] compared with a 96 per cent reply rate by judges and an 88 per cent reply rate by magistrates.

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411 Vikram Dodd, 2017, 'Freemasons are blocking reform, says Police Federation leader' *The Guardian*, 31 December, https://www.theguardian.com/uk-news/2017/dec/31/freemasons-blocking-reform-police-federation-leader.
412 Panel interview with Steve White, p3, 07 March 2018.
413 Panel interview with a former Detective Constable who related information about an alleged Flying Squad practice, pp2-3, 12 June 2018.
414 Principles of Public Life, Committee of Standards in Public Life, 1995, commonly known as the "Nolan Principles" after Lord Nolan, first chairperson of the Committee.
415 College of Policing, Code of Ethics, p10, paras 6.3-6.4, July 2014.
416 '*Freemasonry in the Police Service*', Note by the Home Office, 17 January 2002, p.2 in Metropolitan Police Service document compilation MPS109461001, p22, 17 January 2002.

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477. On the issue of whether the voluntary registration information is disclosable, the Home Office concluded that the information would be disclosable, taking into account security considerations: '[o]*ur understanding is that, because the consent is both explicit and informed, then the data has been processed and is held fairly in line with the requirements of Data Protection legislation and ECHR* [European Convention of Human Rights]'.[417]

478. The Panel has considered the legal implications of a requirement to declare membership and, in particular, whether it would conflict with the rights to privacy and freedom of association of police officers and staff. The Panel is not persuaded that it would. In its consideration, the Panel has taken into account both domestic and European law and reviewed the relevant guidance issued by the European Court of Human Rights.[418] Declarations of membership could be held by the relevant Chief Officer of Police (the Commissioner or Chief Constable) or, in the case of a Chief Officer, by the relevant Police and Crime Commissioner[419] and could be discoverable from them on the making of a complaint that the suspected connection called into question the proper exercise of the functions of a constable or other police force employee as required by the Police Regulations Act 2003. The Regulations state the following:

> '*A member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give the impression amongst members of the public that it may so interfere*.'[420]

RECOMMENDATION

479. All police officers and police staff should be obliged to register in confidence with the Chief Officer of their police force, at either their point of recruitment to the police force or at any point subsequent to their recruitment, their membership of any organisation, including the Freemasons, which might call their impartiality into question or give rise to the perception of a conflict of loyalties.

8.2 Lessons not learned

480. In 2013 Lord Condon, Commissioner between 1993 and 2000, assessed the Metropolitan Police's approach to confronting corruption in relation to the murder of Stephen Lawrence, saying:

> '*it would have been better in terms of the Met as a whole if there had been an individual officer who was corrupting the inquiry.*
>
> '[t]*he irony is that I actually think it would have been not damaging to the Met, in a way it would actually have been far better for the Met, because the notion of one rogue*

417 '*Freemasonry in the Police Service*', Note by the Home Office, 17 January 2002, p.2 in Metropolitan Police Service document compilation MPS109461001, p22, 17 January 2002.
418 European Court of Human Rights, Guide on Article 8 of the European Convention on Human Rights, Right to respect for private and family life, home and correspondence, updated 31 August 2019; European Court of Human Rights, Guide on Article 11 of the European Convention on Human Rights, Freedom of assembly and association, first edition 31 May 2020; European Court of Human Rights, Guide on Article 14 of the European Convention on Human Rights, Prohibition of Discrimination, first edition 31 December 2019.
419 In the Metropolitan Police area of London, the Mayor of London is the Police and Crime Commissioner although this function is undertaken by the Deputy Mayor responsible for the Mayor's Office of Policing and Crime.
420 The Police Regulations 2003, sch1, para 1.

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officer corruptly sabotaging the inquiry would have been less damaging than the notion that there was [sic] *systematic failures in that inquiry.*

'*I actually think it would have been better in terms of the Met as a whole if there had been an individual officer who was corrupting the inquiry.*'[421]

481. The Panel has identified the following lessons not learned over the years:

i. **The 'rotten apple approach' to dealing with corruption does not meet the needs of a police service seeking to minimise, and even prevent corruption, in its ranks:** The Metropolitan Police's focus on corruption as a '*debilitating*' factor in the Morgan One investigation and a '*significant factor'* in preventing the Metropolitan Police from bringing those responsible for Daniel Morgan's murder to justice, mainly centred on the alleged corrupt behaviour of one officer, DS Sidney Fillery. This has had the effect of deflecting attention from multiple wider organisational failings.

ii. **The failure to acknowledge corruption means that associated management issues are not dealt with:** Had the Metropolitan Police admitted in the 1980s and 1990s that it believed that corruption had played a part in the failure of the investigation to bring to justice those responsible for the murder of Daniel Morgan, safeguards against corruption could have been improved, including for example, better management and oversight of individual officers.

iii. **National and local policing policies should be complied with unless there is reasonable justification for non-compliance recorded in a reasoned decision:** There has been a failure or inability to ensure compliance with national and Metropolitan Police policies and procedures for investigation over much of the 34 years since the murder of Daniel Morgan (see Chapter 1, The Morgan One Investigation; and Chapter 8, The Abelard Two Investigation).

iv. **Proper oversight and management are essential to the effective conduct of investigations:** By 2006 there were national standards and procedures for the management and oversight of police investigations, yet those procedures were not adhered to during the Abelard Two Investigation. AC John Yates was determined to retain control of the investigation, and he overruled all attempts to introduce proper governance, yet he did not provide the necessary control of the investigation. The consequence of this was that the integrity of the investigation was irreparably damaged, despite the best efforts of many of those who worked on it.

v. **Those who oversee investigations must in their turn be subject to scrutiny:** There is a need for oversight of senior officers to prevent the kind of situation which evolved during Abelard Two. The Panel has seen no evidence of any oversight of AC John Yates in the context of his role in the Abelard Two Investigation. His stature within the Metropolitan Police made it impossible even for senior officers to challenge him successfully, though some less senior officers did their best to manage the situation and limit the damage caused. Had his performance been appraised effectively, it is probable that DCS Cook would have been removed as Senior Investigating Officer and proper governance would have been introduced.

421 Lord Condon interview with Mark Ellison, p2, 08 October 2013.

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vi. **Any review of an investigation, particularly where there have been identified failures in that investigation, must be conducted in a manner which is calculated to identify, explain and provide remedies for any defects:** During 2011-2012, the Metropolitan Police and the Crown Prosecution Service carried out a review of the Abelard Two Investigation to identify the lessons which might be learned from what had happened. There were multiple instances in the review report of situations in which many of the failures in the Abelard Two Investigation were not clarified and the opportunities to learn from them were lost. These included not dealing:

a. adequately with the lack of governance, particularly after 2008, in the Abelard Two Investigation, saying merely that it '*had been managed outside the "mainstream" governance systems already in place* [….] *Whilst that may have had some merit and maintained confidentiality* […] *it resulted in a complex management arrangement.*'[422]

b. with the detail of the problems consequential upon the multiple roles held by former DCS David Cook both before and after his departure from the Metropolitan Police, and simply saying that the Senior Investigating Officer '***should be employed by the police force that holds primacy***' so that they are '***directly accountable to the GOLD Group and associated governance arrangements***' (bold emphasis in original).[423]

c. with the delayed disclosure of material relevant to witness James Ward which was a critical factor in the collapse of the criminal proceedings against the Defendants who were acquitted.

The way in which the detailed facts were presented in the review report of the Abelard Two Investigation (in a number of appendices) had the effect of simplifying and minimising the content of the main review document and did not assist the reader to learn from the failures of the past. The consequence of the lack of a fully reasoned analysis of what went wrong was that further opportunities to prevent such situations recurring were lost.

vii. **The statutory arrangements under which the Independent Police Complaints Commission was operating[424] did not enable it to make representations to the Serious Organised Crime Agency (now the National Crime Agency) or the Metropolitan Police about possible organisational learning which might derive from the investigation which had been conducted.** There was therefore no opportunity for the Independent Police Complaints Commission to alert these agencies to the damage potentially caused by the unauthorised disclosure, nor to the opportunity for organisational learning about the Metropolitan Police's process for and controls over the disclosure of information to journalists.

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422 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p25, May 2012.
423 Crown Prosecution Service/Metropolitan Police, '*Review into Operation Abelard II*', MPS109655001, p25, May 2012.
424 Police Reform Act 2002, s26.

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9 Conclusion

482. It is generally acknowledged that corruption is endemic in policing across the world. History shows that its recurrence is cyclical: new structures, training, policies and practices are introduced, and there is a period during which significant attention is paid to the risks of corruption, to preventing it from re-establishing itself in a particular policing organisation. Then gradually the focus diminishes, attention turns to other valid and pressing problems, and the time is ripe once more for corruption to grow.

483. During the years since Daniel Morgan was murdered, the Metropolitan Police has made attempts to limit corruption within its ranks. Most importantly, the anti-corruption drive of Lord Condon in the 1990s and the establishment of a new anti-corruption initiative in the late 1990s are testament to the recognition by senior officers that corruption is a very serious problem which will only be defeated in particular circumstances if there is robust and determined action.

484. Policing has as its primary purpose the protection of life and property. Its targets are those who engage in crime. Criminals need the help of corrupt police officers and police civilian staff to counter the activities of those good officers who seek to investigate and prosecute crime. Corruption can take the simplest of forms – the provision of a name, maybe even an address to someone who wants it for nefarious purposes, the decision not to issue a speeding ticket in return for some benefit. These are crimes and what is needed, if the anti-corruption strategy is to succeed, is an ability to recognise and deal with corrupt activities on every occasion on which they occur. A zero-tolerance approach to corruption sends a very serious message to those who contemplate 'bending the rules' or 'doing someone a good turn' by the corrupt use of the powers which attach to the office of constable.

RECOMMENDATION

485. Security clearance processes for police officers and police staff are fundamental to any anti-corruption strategy. Regular updating of the security status of each individual is essential to identify any concerns and to enable action to be taken in respect of such concerns. Notwithstanding the assurance received by the Panel from the Metropolitan Police in December 2020, the Metropolitan Police should remain vigilant at all times to ensure not only that it vets its employees in accordance with its new measures, but also that it has adequate and effective processes to establish whether its staff are currently engaged in crime.

486. Such are the means of those engaged in more serious crime, and particularly of those engaged in organised crime, that they can devote very significant resources to corrupting individual officers. Once corrupted, such officers are on a downward slope and are susceptible to blackmail and other criminality. It is for this reason that the fight against corruption must be ever present in policing, and that every police officer, regardless of rank, should comply with the primary obligation to uphold the Rule of Law at all times.

487. The Panel has not found any evidence in any of the investigations conducted over the past 34 years, capable of proving police involvement in the murder of Daniel Morgan. It is accepted that this does not demonstrate that there was no involvement by a police officer or officers in the planning and execution of the murder. However, the Rule of Law demands that there can

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be no conclusions about guilt unless they are evidence-based and proved in a court. No such trial has ever occurred despite the repeated arrests of individuals and the carrying out of four investigations.

488. The Panel has, however, found evidence of police corruption in relation to the investigation of Daniel Morgan's murder.

489. The Metropolitan Police placed its concern for its own reputation above the public interest, when it concealed from the family of Daniel Morgan and from the wider public the failings in the first murder investigation and the role of corrupt officers in the lack of success in gathering evidence to convict those responsible.

490. The lack of candour displayed by the Metropolitan Police in relation to the investigation of the murder Daniel Morgan over so many years constitutes a barrier to the proper accountability of the Metropolitan Police (see subsection 5.3 above, *Lack of candour*).

491. In calling the Metropolitan Police and other relevant agencies of the Criminal Justice System to account, the Panel has experienced significant impediments.

492. While the appropriate protection of investigation materials is obviously important and necessary, the way in which material was released to the Panel was unsatisfactory and slow. The Panel began work in September 2013 but did not begin to receive the investigation documentation held by the Metropolitan Police until January 2015.

493. The Panel's offices were fully secured and equipped for the storage of sensitive and secret material, in accordance with Government rules. However, the Metropolitan Police imposed additional and restrictive conditions on how sensitive material could be accessed and, in most cases, would not allow copies of such material to be held at the Panel's offices, even when that material comprised complex, bulky and lengthy documents, which demanded careful analysis (see Chapter 11, The Challenge of Securing Cooperation). Instead, on each occasion on which a Panel member needed to access information classified as 'Secret', a lengthy journey to Metropolitan Police premises situated on the outskirts of East London was required. This caused considerable delay.

494. The problem was compounded by the fact that some material was excessively and inconsistently redacted before being placed on the Panel's database. On occasion the redactions were found to be clearly unnecessary. This also contributed to delay, as the unredacted versions of the documents were held in the Metropolitan Police premises in East London.

495. There was not insignificant obstruction to the Panel's work. At times the contact between the Panel and the Metropolitan Police resembled police contact with litigants rather than with a body established by the Home Secretary to enquire into the case, and to which the Metropolitan Police had promised to make '*exceptional and full disclosure*'.[425] The Panel concludes that, despite the express commitment by the Metropolitan Police in the Terms of Reference to support the Panel's work, the Metropolitan Police did not approach the Panel's scrutiny with candour, in an open, honest and transparent way, making exceptional and full disclosure of relevant documents. The way in which material was disclosed or withheld had the effect of making the Panel's work more difficult (see Chapter 11).

425 Terms of Reference, para 5(c).

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RECOMMENDATION

496. In the interest of transparency and public accountability, all public institutions should be under a duty to cooperate fully with independent scrutiny bodies created by Government, such as the Panel.

497. Institutional defensiveness and lack of transparency is not unique to the investigation of the murder of Daniel Morgan. In 2013, the Francis Report[426] referred to defensiveness and lack of openness to criticism among the negative aspects of the culture identified in the healthcare system in Mid Staffordshire. The Gosport Independent Panel referred in its report published in June 2016 to '*the tendency of individuals in organisations, when faced with serious allegations, to handle them in a way that limits the impact on the organisation and its perceived reputation*'.[427] Again the context was the healthcare system. In relation to the Hillsborough disaster, the Right Reverend James Jones wrote of '*an instinctive prioritisation of the reputation of an organisation over the citizen's right to expect people to be held to account for their actions*'.[428]

498. Concern about the lack of transparency linked to institutional defensiveness has led to the establishment of a statutory duty of candour in the National Health Service. There have been calls for a similar duty in relation to the police. In 2017, a Bill was introduced[429] in the House of Commons which sought to require public institutions, public servants and officials to act in the public interest with candour and frankness. The Bill fell after first reading, with the calling of the 2017 General Election, but the concerns that inspired the 2017 Bill remain.

499. The Panel recognises the complex challenges of guaranteeing public accountability of an organisation such as the police, not least because of the requirement to protect information in accordance with the law. However, the challenges should not prevent frank and prompt accounts to the public about mistakes and wrongdoing. Rather than undermining public trust in the police, such candour would in the long run restore and maintain public confidence, which is essential for effective policing. The Panel agrees with other independent inquiries about the need for a duty of candour for public services, including the police. Such a duty of candour would not result in any compromise of the necessary protection of information in accordance with the law.

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426 Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry, Sir Robert Francis QC (The Francis Report), pp85-86, para 1.116, 2013.

427 Report of the Gosport Independent Panel, p321, para12.51, 20 June 2016.

428 The Right Reverend James Jones, '*The Patronising Disposition of Unaccountable Power*', HC 511 2017-18, 01 November 2017.

429 The Public Authority (Accountability) Bill 163 2016-17, introduced as a Private Members' Bill by Andy Burnham, Member of Parliament for Leigh, 29 March 2017.

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500. Following the Report of the Hillsborough Independent Panel and the attempt to introduce the Hillsborough Bill, the Right Reverend James Jones proposed a charter to which organisations such as the police service should commit themselves, which would include a duty to '*approach forms of public scrutiny – including public inquires and inquests – with candour, in an open, honest and transparent way, making full disclosure of relevant documents, material and facts*'.[430]

RECOMMENDATION

501. The Panel recommends the creation of a statutory duty of candour, to be owed by all law enforcement agencies to those whom they serve, subject to protection of national security and relevant data protection legislation.

502. The family of Daniel Morgan suffered grievously as a consequence of the failure to bring his murderer(s) to justice, the misinformation which was put into the public domain, and the denial of failings in investigation, including failures to acknowledge professional incompetence, individuals' venal behaviour, and managerial and organisational failings. Unwarranted assurances were given to the family, and the Metropolitan Police placed the reputation of the organisation above the need for accountability and transparency. The lack of candour and the repeated failure to take a fresh, thorough and critical look at past failings are all symptoms of institutional corruption, which prioritises institutional reputation over public accountability.

Most people become police officers to serve the public, not to engage in corrupt activities. They do very difficult and, at times, dangerous work without compromising their integrity. It is accepted that the management of policing is a very complex process, but there has been a failure over decades to tackle police corruption effectively and to resource anti-corruption work properly.

There is evidence that, despite efforts over many years, a culture still exists that inhibits both organisational and individual accountability. The response to corruption in all its forms must comply with the law and demonstrate candour and adherence to the Police Code of Ethics. The internal and external structures designed to ensure integrity and ethical conduct must be properly resourced, in order for policing to be truly accountable, for corrupt officers to be confronted and for honest officers to be affirmed.

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430 The Right Reverend James Jones, '*The Patronising Disposition of Unaccountable Power'*, HC 511 2017-18, p7, 01 November 2017.

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Chapter 11: The challenges of securing cooperation and lessons for future Panels

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1 Introduction

1. The Panel's Terms of Reference required it to '*obtain and examine all relevant documentation from all relevant bodies, governmental and non-governmental alike, including but not limited to papers held by;*

- *The Metropolitan Police;*
- *The Hampshire Police;*
- *The Crown Prosecution Service and the Attorney General's Office;*
- *The Police Complaints Authority (as it was then);*
- *The Independent Police Complaints Commission;*

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- *Southwark Coroner's Court; and*
- *The Home Office.*'

and *to* '*interview and receive relevant information from individuals who are willing to provide that information*'.

2. The Panel commenced work formally on 17 September 2013. The Terms of Reference stated that '[i]*t is envisaged that the Panel will aim to complete its work within 12 months of the documentation being made available*'. This created an expectation that the Panel's work would be done within a year. There was, however, no anticipation of the very significant difficulties and delays which would be encountered in accessing documentation, in all its forms, nor of the large volume of material (in excess of a million pages) which would have to be considered. The Panel was acutely aware of that expectation and of the distress caused to the family of Daniel Morgan by the length of time which has been necessary to do this work. In fact, the final documents were not received from the Metropolitan Police until March 2021.

RECOMMENDATION

3. Prior to the establishment of any future non-statutory inquiries or panel, there should be an honest and full discussion between the relevant police force(s) and the sponsoring Government department, to enable a realistic, informed assessment of the nature and volume of documentation in all its forms, and of the scope and depth of the work required. Framework procedures, capable of being customised, for the disclosure of material to such panels should be available, so as to avoid excessive delays in reaching agreement for access to material. Deadlines should only be established when the relevant inquiry or panel has had the opportunity to review the programme of work it is required to do. Any such deadline should be supported with an analysis explaining how the projected deadline has been identified, and why that is a reasonable time within which the work should be completed.

2 The Metropolitan Police, Home Office and the Panel: Securing access to documents and other important material

4. In July 2013, after the formation of the Panel was announced, but before the Panel itself was established, discussions were initiated between the Home Office, the Metropolitan Police and Sir Stanley Burnton, who was appointed as the first Chair of the Panel in May 2013, about the disclosure arrangements necessary to enable the Panel to start its work in September 2013. These arrangements included ensuring the Panel had access to the vast amount of materials (including documents, exhibits and evidence in other forms)[1] held by the Metropolitan Police and other organisations.[2] The great majority of the material required by the Panel was held by

1 The Panel was established by the Home Secretary, Theresa May MP, following the precedent of the Hillsborough Independent Panel and was intended largely to involve a review of documentation. Unlike the Hillsborough Independent Panel, the Panel was not charged with establishing an archive.

2 Including but not limited to the Metropolitan Police, the Hampshire Constabulary, the Crown Prosecution Service, the Attorney General's Office, the Police Complaints Authority, the Independent Police Complaints Commission, the Southwark Coroner's Court and the Home Office; see Terms of Reference, para 4(b).

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the Metropolitan Police. It included both material originating within the Metropolitan Police and material held by the Metropolitan Police but originating from other police forces and organisations.

5. During these preliminary discussions, the Metropolitan Police favoured sole access by the Chair of the Panel, Sir Stanley Burnton, to highly sensitive documents, relating to ongoing enquiries, informants and other issues. The Metropolitan Police envisaged that the Chair of the Panel alone would review these documents and make decisions about their relevance on behalf of the Panel. AC Cressida Dick, the senior officer in the Metropolitan Police with responsibility for supporting the Panel's work, believed she had reached agreement with Sir Stanley Burnton at a meeting on 13 July 2013 as to how to proceed. This was not reflected in documents produced by the Panel or the Home Office at the time, and the proposed approach was rejected by the Chair and the other members of the Panel as being inconsistent with the concept of a Panel reviewing material together. The arrangement was unworkable.

6. It was necessary to prepare a Disclosure Protocol to set out the terms, responsibilities and expectations of both the Panel and the Metropolitan Police, about sending and receiving the documents required for the Panel to be able to do its work.

7. On 29 August 2013, a draft Disclosure Protocol was sent by the solicitor acting for the Panel to the Metropolitan Police solicitor. The draft Protocol said the Panel would need access to all documents in unredacted form, except where this was prohibited by law, and that special provisions might be necessary for the most sensitive documents. Provision was also made for the ultimate publication of documents with the Report, with the final decision as to publication resting with the Panel. Any documents published without the owner's consent would have had to be redacted, which would mean some content would be blacked out within the Panel's Report. The Panel decided it would keep any content which was redacted in the final published Report, so that the public would know content had been redacted. The Panel reserved the right to bring the full unredacted contents of the Report to the attention of the Home Secretary.

8. On 27 September 2013, the Panel's solicitor met lawyers for the Metropolitan Police and stressed that all the members of the Panel had agreed that they must view the most sensitive material in unredacted form, so as to be able to confer and decide on its relevance. The Panel was not willing to proceed on the basis that the Chair of the Panel alone would decide on the relevance of the most sensitive material. The meeting concluded with a proposal for work on the Disclosure Protocol to focus on speeding up delivery of the overwhelming majority of documents which were not considered to be highly sensitive, and for further consideration of whether a separate Disclosure Protocol was needed for the most highly sensitive material.

9. On 09 October 2013, AC Cressida Dick wrote to the Chair of the Panel that '*we have now reached an impasse*'. She affirmed that '*the Metropolitan Police is absolutely committed to demonstrating transparency and assisting the Home Office appointed Independent Panel*'. She described an approach '*whereby you, as Chairman of the Panel, are able to see all the sensitive documentation and pass to the remaining members what you feel appropriate (broadly mirroring the statutory position in respect of public inquiries)*' as '*absolutely necessary given the risk issues associated with the revelation of sensitive information*'.[3]

3 Letter from AC Cressida Dick to Sir Stanley Burnton, 09 October 2013.

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10. In order to achieve better clarity as to what was proposed by the Metropolitan Police in respect of disclosure to the Panel, the Panel's lawyers sent a revised draft of the Disclosure Protocol to the Metropolitan Police on 23 October 2013 which provided for disclosure of sensitive material to be made in the first instance only to the Panel Chair. This was then followed by a further amended draft of the Disclosure Protocol by the Panel's lawyers which was sent to the Metropolitan Police on 28 October and provided for sensitive disclosure to be made to the entire Panel in redacted form. The Metropolitan Police responded on 12 November 2013, rejecting the revised Protocol of 28 October, but confirming its agreement to the revised draft Protocol sent on 23 October.

11. Consequently, and after further discussion, on 19 November 2013, the Panel advised the Home Office Senior Responsible Officer for the Daniel Morgan Independent Panel that it was the unanimous view of the Panel members that disclosure must be to the Panel in its entirety and not just to the Chair of the Panel. The letter was sent just after the resignation of Sir Stanley Burnton as the Chair of the Panel,[4] but was agreed by the Panel, including the Chair, prior to his departure.

12. On 23 November 2013, AC Cressida Dick met the Home Office Senior Responsible Officer, and confirmed the Metropolitan Police's commitment to the principle of full and exceptional disclosure to the Panel as a whole.

13. On 04 December 2013, the Home Office Senior Responsible Officer advised the Panel that AC Cressida Dick was no longer insisting on the approach to disclosure which she had previously described. On 05 December 2013, following a meeting between Michael Kellett, the lead Panel member, the Home Office Senior Responsible Officer, and AC Dick to address the practicalities relating to disclosure of material to the Panel,[5] the Panel and all its staff signed confidentiality agreements to ensure the security of the material disclosed to it by the Metropolitan Police.

14. On 13 December 2013, the Panel sent a full outline of the work it had undertaken to obtain documentation from the Metropolitan Police to both the Metropolitan Police solicitor and to the solicitor representing members of the family of Daniel Morgan.[6] It sought disclosure of material. It had already agreed to reimburse the Metropolitan Police for the services of the officers appointed to assist the Panel. On 18 December 2013, the Metropolitan Police responded, and provided a catalogue of documents and initial reading materials to the Panel. This was to enable the Panel to identify more easily the sequence in which materials to be disclosed by the Metropolitan Police should be prioritised for indexing and digitisation,[7] and to begin refining its strategy for starting work on the substantive material. The Panel was grateful to the Metropolitan Police for the provision of initial reading material and the catalogue of documents. The Metropolitan Police had still not agreed to the Disclosure Protocol. The Panel at this time did not have a Chair.

15. While waiting for the Disclosure Protocol to be agreed, and the actual provision of the documents, the Panel employed staff and a team of data-indexers (also sometimes known as 'box-loggers')[8] to review the material in the hundreds of crates identified as relevant by the Metropolitan Police (originally identified as 613 crates) so that the contents of each crate could

4 Sir Stanley Burnton resigned from the Panel for personal reasons on 13 November 2013.

5 Metropolitan Police minute of 5 December 2013 (in email of 13 October 2020).

6 Letter from Panel members to Raju Bhatt, 13 December 2013.

7 Digitisation on Lextranet could be carried out at a rate of 20,000 pages per week. Report from the Home Office box-logging manager, September 2013.

8 Employed under contract with the legal firm Fieldfisher LLP.

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be catalogued in preparation for scanning onto Lextranet.[9] The task of the data-indexers was to index and code each item in each of the crates in preparation for its digitisation and transfer to Lextranet, which would be the point when the Panel would be able to access the documents and commence its work. The Metropolitan Police team were helpful and professional in their cooperation with the indexers employed to assist the Panel.

16. The data-indexing was conducted systematically after an initial review by the Metropolitan Police to identify material too sensitive to be made available to the data-indexers and digitised onto Lextranet. Any such sensitive material was either redacted or removed by the Metropolitan Police, and markers were inserted in the documentation indicating where redaction or removal of material had occurred.

17. On 29 April 2014**,** in preparation for taking up her work and to help inform her decisions as to whether to accept the post of the Chair of the Panel, Baroness Nuala O'Loan met with AC Cressida Dick. This was to discuss matters of priority for the Panel including disclosure. At the meeting of 29 April 2014, Baroness O'Loan stated that she and the Panel would require full access to all documentation and to the relevant HOLMES accounts. AC Dick agreed that Panel members and lawyers would have full access, '*so long as the Panel were security cleared to the appropriate level*', and that there should be standalone access to the Daniel Morgan HOLMES accounts.[10] On the basis of these assurances, Baroness O'Loan confirmed to the Home Secretary that she would agree to become the Chair of the Panel. However, she was receiving medical treatment and was unable to start work in London until September 2014. The Panel became fully operational at that point having been restricted in its work at the request of the family of Daniel Morgan since March 2014.

18. On 05 September 2014, the Panel sent a revised version of the draft Disclosure Protocol to the Metropolitan Police, based on the discussions previously held and reflecting AC Cressida Dick's agreement to all members of the Panel having access to all documents, as agreed with Baroness O'Loan in April 2014.

19. On 17 September 2014, at a further meeting between members of the Panel and AC Cressida Dick to discuss disclosure, the Metropolitan Police said that, while they accepted that they needed to make arrangements for the disclosure of material, an agreement still needed to be reached as to who in the Panel should have access to the most sensitive documents. This was not acceptable to the Panel and Baroness O'Loan emailed AC Dick on 18 September to say this, and to highlight the difference between what was now being offered and what had been said in the meeting in April 2014, before she had agreed to become Chair.[11]

20. Two months later, on 18 November 2014, the Panel's solicitor informed the Panel that he had reached agreement on the Disclosure Protocol with the Metropolitan Police's Directorate of Legal Services. On 16 December 2014, the Panel received written notification that the Metropolitan Police had agreed the content of the Disclosure Protocol, a Confidentiality Agreement and a Data Processing Agreement with the Panel.[12] The Disclosure Protocol

9 Lextranet is an electronic document management system. It can only hold documents marked to the level 'Restricted' in the Government Security Classification system. The Government Security Classification Policy came into force on 02 April 2014 and describes how HM Government classifies information assets to ensure they are appropriately protected. It applies to all information that Government collects, stores, processes, generates or shares to deliver services and conduct business. There are three classifications of material – 'Official', 'Secret' and 'Top Secret'. Under the historical Government Protective Marking Scheme material was divided into 'Unclassified', 'Protected', 'Restricted', 'Confidential', 'Secret' and 'Top Secret'.

10 Email from Baroness O'Loan to AC Cressida Dick referring back to the meeting, 18 September 2014.

11 Email from Baroness O'Loan to AC Cressida Dick, 18 September 2014.

12 Letter from AC Cressida Dick to Baroness O'Loan, 16 November 2014. (The letter was dated 16 November 2014 but sent in an email on 16 December 2014.)

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provided that all members of the Panel and its Counsel should have access to all of the documentation. The agreements were essential to the Panel beginning its work and fulfilling its Terms of Reference, and the delay in getting agreement resulted in a very significant delay to the Panel's ability to start work.

21. The Panel received its first documentation, digitised and accessible on Lextranet, in January 2015. It took almost a year for the process of identifying and cataloguing all the individual documents, available at that time, to be completed. During this period the documents were added to Lextranet incrementally. The material, once uploaded, was then accessible to the Panel and its Secretariat. However, access to sensitive material which could not be placed on Lextranet was only available to the Panel, its Counsel and its Secretary at Metropolitan Police premises on the outskirts of East London. This required two hours travelling time on each occasion for which there was a need to examine such documentation. This inevitably caused delay to the Panel's work. On only a few occasions were such documents made available in Central London.

22. After the Disclosure Protocol and related documents had been agreed with the Metropolitan Police, the Panel was able to enter into similar agreements with the other document providers.

23. The Panel had no statutory powers to compel production of documents by the Metropolitan Police or the other bodies and agencies with whom it dealt. It had, therefore, to proceed with the consent of the organisations concerned, who had been committed in the Panel Terms of Reference to '*exceptional and full disclosure*'[13] as agreed between each of the relevant organisations and the Home Secretary.

24. Both the Panel and the Metropolitan Police had a duty to ensure that the material disclosed to the Panel was treated appropriately at all times, and that no harm to individuals potentially at risk should occur as a result of disclosure to the Panel. The Panel was, and has continued to be, fully aware of the security implications of its work and has done everything in its power to ensure the safe handling of all the information disclosed.

However, the Panel considers it was neither necessary nor proportionate for the processes for disclosure and document handling to have taken such a long time to be agreed with the Metropolitan Police. The Panel, having been announced by the Home Secretary in May 2013, did not have access to all the initial documentation, and thus was unable to commence its work properly, until December 2015.

RECOMMENDATION

25. Arrangements must be made in future to ensure that any Panel has timely access to the material required to do its work. Organisations that promise to make *'exceptional and full disclosure'* should be prepared to do so both within the letter and the spirit of such a promise.

13 Terms of Reference of the Independent Panel, para 5(c).

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2.1 Requests for further information and the Metropolitan Police response

26. Once the Panel was able to start looking at and understanding the contents of the material disclosed to it by the Metropolitan Police, it began to make necessary requests for additional disclosure of documents and other material relevant to its Terms of Reference. In addition, it had become clear that the Panel needed a single point of contact in the Metropolitan Police to act as a 'clearing house' for answers to the questions that the Panel had as it worked through the material now uploaded onto Lextranet. To this end, the Panel and Metropolitan Police agreed on an '*additional disclosure and information request*' process to enable this to happen effectively.

27. By 13 May 2015, the Panel had already submitted 63 Additional Disclosure and Information Requests, which required cooperation from a range of different departments in the Metropolitan Police. By May 2016, the total of Additional Disclosure and Information Requests had increased significantly to 253. The following list provides examples of the range of requests the Panel submitted, once material had started to be disclosed and uploaded to Lextranet:

i. Disclosure of personnel files, professional standards records, and intelligence held in relation to former and serving Metropolitan Police officers of interest to the Panel.

ii. Requests for the disclosure of specific documents referred to in the material disclosed that could not be found within the documentation provided.

iii. Disclosure of historical policy documents, guidelines and standard operating procedures relating to murder investigations, murder reviews, exhibit-handling, informant-handling, public affairs and media liaison, family liaison, liaison with coroners and freemasonry.

The Panel asked, in 2015, for policy documents relating to murder investigations and did not receive anything specific to the Metropolitan Police.

iv. Disclosure of documents from the Directorate of Legal Services.

v. Clarification of the context of police investigations referred to in the material disclosed, including investigation suspects, offences being investigated and investigation outcomes.

vi. Disclosure of investigation reports and advice reports to the Crown Prosecution Service and, where relevant, underlying investigation material.

vii. Requests for clarification of the information management aspects of historical and contemporary anti-corruption intelligence-gathering and investigations.

viii. Disclosure of intelligence reports provided to Mark Ellison QC for his review of police corruption in connection with the investigation into Stephen Lawrence's murder (these were requested because there had been a suggestion that one or more officers involved in the Morgan One Investigation had also been involved in the Lawrence investigation, although that later proved not to be the case).

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ix. Requests for explanatory notes from the Metropolitan Police in terms of (i) how the most recent investigation into Daniel Morgan's murder, Abelard Two, reviewed historical probe material and the quality assurance mechanisms in place, (ii) all forensic activities that have been conducted since the withdrawal of the Prosecution case during the pre-trial proceedings in 2011, and (iii) all non-forensic lines of enquiry that had been pursued since the withdrawal of the Prosecution's case in 2011.

x. Administrative requests to locate material.

In total, the Panel had submitted 415 Additional Disclosure and Information Requests to the Metropolitan Police by 2020.

28. The Panel recognises the demands that the Additional Disclosure and Information Requests placed on the Metropolitan Police, and the Panel's work benefited significantly from having a single point of contact in the Metropolitan Police. Where the single point of contact could respond directly, the Panel received prompt acknowledgement of the request made and very often received a substantive response on the same day. It was also most helpful to the Panel that, on occasion, the single point of contact readily volunteered information to assist the Panel and help identify relevant material to meet its requests.

3 Panel access to the Home Office Large Major Enquiry System (HOLMES)

29. The Panel knew that access to the Home Office Large Major Enquiry System (HOLMES) would be essential if it was to fulfil its Terms of Reference effectively and with expedition. HOLMES is a computerised database designed to support the police investigation of major crimes – mainly murders but also any complex serious incident such as stranger rape or even large-scale fraud. It was introduced in the mid-1980s and was one of the consequences of the Yorkshire Ripper investigation, which had demonstrated the inability of the police to manage effectively major investigations of linked crimes across more than one police force area. It is the primary tool used during major and complex criminal investigations in all police forces in the UK.

30. An examination of how HOLMES has been used by the police in an investigation can reveal an enormous amount about the nature of the investigation that would not be revealed simply by reading hard-copy documents from the investigation. The database is searchable using free text, and also searchable by other standard criteria such as name, description, address, etc. People within the system can be linked to addresses, locations, exhibits or any other category within the system. Accounts given by witnesses can be cross-referenced and compared. Documents are also cross-referenced, so that for example, an action (a written instruction to carry out a task in connection with a particular line of enquiry) will be linked to statements, officers' reports, exhibits and follow-on actions. The system is also able to produce useful legal documents such as disclosure schedules and exhibit lists, and management tools such as lists of outstanding actions, completed actions, personnel lists, etc. It is far more effective than the Lextranet system with which the Panel was provided.

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31. Access to HOLMES was essential to the Panel's ability to carry out its task efficiently, effectively and fully. Among other things, it can be used to inform a judgement as to whether investigations were carried out in accordance with established policy at the time, to enable the detection of any anomalies in procedures, to help to identify where there might be missing documents, and to establish whether actions were carried out in accordance with instructions.

32. **The Panel notes that the need for access to HOLMES for the purposes of reviewing the investigations into Daniel Morgan's murder was clearly apparent to DAC John Yates when, in 2005, he wrote about the Terms of Reference for the Metropolitan Police Authority's proposed review of the investigations into Daniel Morgan's murder: *'This will require substantial and dedicated resources, accommodation and access to IT (HOLMES) etc.'*[14]**

33. A central theme of the Panel's enquiries has been an examination of possible police corruption in the investigations of the murder of Daniel Morgan. Had the Panel omitted to investigate the considerable scope for anyone in a police investigation team to divert an enquiry by manipulating the computerised records, it would have failed in its work. The Panel needed to be able to compare what was on the HOLMES accounts with what was in the hard copy documents which had been made available, as the way in which the information flow in the investigation was handled might reveal practices pointing to corruption by police officers. The most effective and expeditious way to examine this risk was by using HOLMES, and the management and audit systems built into it, rather than solely by examining the paper records.

34. The Panel also needed access to the HOLMES accounts to assure itself that all the paper records had been provided by the Metropolitan Police, and to establish whether any relevant documents were missing. From the outset, the Panel had requested both secure access to the relevant HOLMES accounts and disclosure of all the documentation related to the murder of Daniel Morgan, for digitisation and uploading to Lextranet. Ultimately, the Panel found that some documents were only available on the HOLMES accounts and others were only available in hard copy. Without access to the HOLMES accounts, those documents which were not available in hard copy were unavailable to the Panel.

35. Lengthy negotiation with the Metropolitan Police about the Panel's access to HOLMES caused further considerable delay to the Panel's work.

36. In September 2013, at a meeting between the lead Panel member, Michael Kellett, and DCS Mick Duthie, who had lead responsibility within the Metropolitan Police for HOLMES and liaison with the Panel, the Panel formally sought access to the HOLMES database in respect of the investigations into Daniel Morgan's murder. Discussions followed and access to HOLMES appeared to be accepted by the Metropolitan Police. Indeed, on 17 October 2013, in response to Michael Kellett's reply to an email of 11 October, in which he had stated that he was arranging for the Panel's staff to receive training on the use of HOLMES, DCS Duthie stated that the Metropolitan Police could provide the training at cost if required.

37. In October 2013, DCS Mick Duthie sent Michael Kellett an email discussing some of the features of the Daniel Morgan investigation 'accounts' on the HOLMES database. He concluded:

> *'The accounts are not in a great state to be honest but we would be happy for you to visit us and have a look. We could get an officer, with an in depth knowledge of the*

14 File note by DAC John Yates, MPS109484001, p55, 18 October 2005.

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case and accounts to show you them over a day or so and then you might be able to consider how you want to go forward. If you or another researcher etc wanted access then they would need to have been given the necessary training, be up to date on HOLMES and then have a vetting level to view "Confidential" documents. I'm sure we will be able to do all of this if you require it but I think it would be better to have a look at the system first.'

38. Michael Kellett arranged to view the database on 26 November 2013. He was told by former DI Noel Beswick that the Abelard Two account contained 'Confidential' and 'Secret' material. This was contrary to HOLMES conventions, which restrict input of data onto the system to that protectively marked 'Restricted'[15] or below. Michael Kellett agreed that this issue would have to be resolved.

39. On 05 December 2013, Michael Kellett and the Home Office Senior Responsible Officer met with AC Cressida Dick and DCS Mick Duthie to discuss a number of issues. Towards the end of the meeting, access to HOLMES was mentioned in passing by Michael Kellett. AC Dick expressed a strong reluctance to allow the Panel to access the system, although she did not explicitly refuse it at that point. She did not give any explanation for her stance, other than that the Panel was not carrying out a 'review' of the Morgan investigations (in the sense of an internal review as set out in the Major Incident Room Standardised Administrative Procedures (MIRSAP)). The Metropolitan Police minute of the meeting notes her saying, '[The Panel] *is not there to give a view on how well or badly the investigation was run. The* [Terms of Reference are] *about why people have not been brought to justice.*'

40. On 20 January 2014, in response to an email from Michael Kellett in which the Panel's draft research strategy was shared with the Metropolitan Police, DCS Duthie observed that the strategy appeared to indicate that the Panel was '*again*' seeking access to HOLMES. Michael Kellett replied to the effect that he was unclear why DCS Duthie would have thought that the Panel had changed its view about this at any point.

41. On 13 March 2014**,** Michael Kellett, the Panel's solicitor and two members of the Panel's Secretariat met DCS Mick Duthie, the Metropolitan Police solicitor and former DI Noel Beswick. DCS Duthie informed the meeting that AC Cressida Dick was '*not supportive*' of the Panel's desire to access HOLMES, primarily because almost the entire database (not just the Abelard Two Investigation) contained 'Secret' classified material in the form of the identities of informants, and the material on the system could not be redacted.[16] This came as a further surprise to the Panel and its representatives, as under national guidelines governing the use of HOLMES, the identity of informants should never be entered into an investigation's HOLMES account. The HOLMES system is not designed to hold secret material. The Panel is aware that redaction of HOLMES accounts is not impossible, although it is time-consuming. It was pointed out that access to HOLMES was a fundamental requirement for the Panel. DCS Duthie requested that the Panel write to AC Dick to that effect.

42. On 20 March 2014, the Panel wrote to AC Cressida Dick pointing out, among other things, that the Panel had received advice that it was possible to redact the HOLMES system in order to protect the security concerns that the Metropolitan Police had, and that it required access to the HOLMES accounts.[17]

15 These were the classifications in use at the time.

16 Minute of meeting, 13 March 2014.

17 Letter from Michael Kellet to AC Cressida Dick, 20 March 2014.

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43. The Panel was restricted in its work from March to September 2014 (see paragraph 17 above) but in order to prepare for access to HOLMES, basic HOLMES training was provided to the Panel's staff and it purchased a HOLMES user licence. Despite this, the Metropolitan Police maintained its refusal to provide the Panel with access to the HOLMES accounts created in respect of the Daniel Morgan investigations. It did so on the grounds that the Panel had no need to have access to HOLMES as all the information was in the documentation which would be provided to the Panel subject to the agreement being reached on the Disclosure Protocol.

44. Without access to HOLMES, the Panel would have been unable to verify that all the information relating to the various investigations was in the documentation provided, and the Panel would also not have had access to the search functions available on HOLMES.[18] The Panel repeated its explanations about why access to documentation did not equate with access to HOLMES, enumerating the advantages, including the information which HOLMES contained relating to the decision-making process and management of police investigations, such as the investigations into the murder of Daniel Morgan.

45. On 17 September 2014, Baroness O'Loan and Michael Kellett had a meeting with AC Cressida Dick to discuss disclosure (see paragraph 19 above) and access to HOLMES by the Panel and its staff. AC Dick's stance at this meeting appeared to be to restart the negotiations from the very beginning. On 18 September 2014, Baroness O'Loan emailed AC Dick expressing surprise that the matter of access to HOLMES by the Panel was being treated by the Metropolitan Police as if it were a fresh issue, and with no reference to what had been agreed in April 2014 at the meeting she had had with AC Dick.[19] The Panel's position was, consistently, that it required access at the Panel's secure offices to unredacted HOLMES accounts for all materials relating to the murder of Daniel Morgan.

46. On 15 October 2014, Michael Kellett, the Panel's Counsel, the Panel's solicitor and the Panel's consultant expert on HOLMES met the Metropolitan Police's solicitor and others. At this meeting, former DI Noel Beswick queried why the Panel wished to access HOLMES, given that everything that was on HOLMES was in the material being made available via Lextranet but that not everything on Lextranet was on HOLMES. Michael Kellett stated that it was not simply a question of viewing the material but also of checking the integrity of the way HOLMES had been used. Former DI Beswick suggested in that case the Panel could send its own expert to do an integrity check of the system. Michael Kellett said that a 'one-off' check was insufficient and constant access would be needed for the researchers.

47. The Metropolitan Police's solicitor also questioned why the Panel wanted access to HOLMES and why access at New Scotland Yard (the Metropolitan Police headquarters) would not be sufficient. Michael Kellett pointed out that the Panel had been consistent from the outset in requiring access to HOLMES at its offices. The Metropolitan Police solicitor then claimed that this was the first time access had been requested in this way, that it had implications for the Disclosure Protocol, and he would therefore have to take instructions.

48. The Metropolitan Police then offered to provide unrestricted access to HOLMES for Panel members and legal advisors at New Scotland Yard. The effect of what was being offered by the Metropolitan Police was that none of the Panel's staff would have been able to access the HOLMES accounts, which would have seriously disrupted the planned work and caused

18 The Panel considered it has a duty to check that this is the case, in light of the revelation in Mark Ellison QC's report about shortcomings in disclosure to Sir William Macpherson's Stephen Lawrence Inquiry, to the 2012 Metropolitan Police Corruption Review and to Mark Ellison's Independent Review.

19 Email from Baroness O'Loan to AC Cressida Dick, 18 September 2014.

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further delay. Following the meeting, the Panel's solicitor wrote to the Metropolitan Police with a number of questions and asked for a response within two weeks.[20] No reply was received, and a reminder letter was sent.

49. On 30 October 2014, the Panel's solicitor wrote to the Metropolitan Police stating: '*As we made clear at the meeting on 15 October 2014, the Panel requires two things in respect of the relevant HOLMES account(s) in order to complete its task. The first is access to the complete account(s) for members of the Panel and its legal advisers and there is an acceptance that this access is likely to need to take place at MPS premises. The second is access to a standalone copy of the relevant account(s) which has been redacted or sanitised so that it contains material at RESTRICTED/OFFICIAL-SENSITIVE level which may be loaded on to a computer and reviewed by the Panel's research team at the DMIP office.*'[21]

50. On 25 November 2014, the Panel agreed to appoint a HOLMES specialist, who would view the HOLMES database at Metropolitan Police premises. **This was solely as an interim measure pending resolution of the requested access to the database at the Panel's secure offices**. That expert was appointed so that the research on Lextranet could be informed by knowledge of the content of the various HOLMES accounts.

51. On 10 December 2014, Michael Kellett had a further meeting with DCS Mick Duthie who said that Metropolitan Police would not agree to the Panel having access to the HOLMES accounts at the Panel's offices and that a great deal of work would be needed to put the database into a state in which there was no material remaining which should not have been stored on HOLMES because of its security classification. **The Metropolitan Police should already have done this work, because, quite apart from the Panel's request for access, by keeping highly sensitive material, including 'Secret' classified material, on the HOLMES system they were breaching the protocols concerning HOLMES.** Michael Kellett reiterated that the Panel needed HOLMES access at the Panel's offices.

52. On 16 December 2014, AC Cressida Dick confirmed by letter the existence of six different HOLMES accounts for the investigations into Daniel Morgan's murder and stated that there were no HOLMES accounts for 11 other investigations which were relevant to the Daniel Morgan murder investigation. AC Dick stated that it was not feasible for the Metropolitan Police to provide access at the Panel's offices to redacted HOLMES accounts for the Panel on the grounds of '*security, cost, time and benefit gained*'. Her letter indicated that existing HOLMES accounts could not be effectively edited. The Metropolitan Police could provide Panel members and the Panel's legal advisers with supervised access at Metropolitan Police premises to unredacted HOLMES accounts.[22] The Panel rejected the suggestion that there was a need to edit the HOLMES accounts for the Panel's purposes, as the Panel required access only for staff with the appropriate level of security clearance.

53. AC Cressida Dick suggested in her letter of 16 December 2014 that, if the integrity of the accounts was of concern to the Panel, the Metropolitan Police could permit a vetted HOLMES expert to have supervised access to the HOLMES accounts at Metropolitan Police premises. Following representations by the Panel, on 30 December 2014 AC Dick wrote to the Panel confirming that the Panel, its legal representatives and the Panel's HOLMES expert could have

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20 Letter from Fieldfisher to the Metropolitan Police, 15 October 2014.

21 Email from Fieldfisher to Metropolitan Police solicitors, 30 October 2014.

22 Letter from AC Cressida Dick to Baroness O'Loan, 16 November 2014. (The letter was dated 16 November 2014 but sent in an email on 16 December 2014.)

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access to the unredacted material on HOLMES, but only at Metropolitan Police premises.[23] In 2020, Commissioner Dick informed the Panel that her position with regard to the Panel's access to HOLMES was always made on the basis of the expert advice she had received.

54. AC Cressida Dick left the Metropolitan Police at the beginning of 2015 and AC Martin Hewitt was appointed to succeed her. On 27 January 2015, Baroness O'Loan wrote to AC Hewitt accepting the offer for the Panel's HOLMES specialist to attend Metropolitan Police premises and use the unredacted HOLMES databases. In her letter, the Chair emphasised that the Panel was confident, given the HOLMES specialist's background and security clearance, that there was no necessity for supervision while he was undertaking his work at Metropolitan Police premises. The letter also underlined the continuing importance to the Panel of having access to HOLMES at the Panel's secure offices, giving as an example the need to interrogate the Morgan One database on HOLMES in the absence of a coherent murder investigation file.[24] The letter said the Panel was seeking access only to the particular HOLMES accounts which related to the investigations concerning the murder of Daniel Morgan and, in the first instance, to the Morgan One database.[25] The letter pointed out that it is not uncommon for access to HOLMES to be given to inquiries of this nature.[26]

55. On 25 February 2015, the Panel's HOLMES specialist was provided with supervised access to the HOLMES database at New Scotland Yard, but only under supervision. The Panel's specialist therefore could only access the HOLMES database in the presence of Metropolitan Police staff. Every transaction he carried out on the database was recorded, as is normal, in the audit log on the computer server. On every occasion on which the HOLMES expert wanted to use the HOLMES system, he had to travel across London and was escorted throughout his visits to the Metropolitan Police premises. On occasion he was told that he could not be accommodated, because there was no-one to supervise him. However, the imperative was getting access to HOLMES, even though the terms on which access was given were unacceptable. The terms were also contrary to the principles of conducting an independent inquiry. The Metropolitan Police subsequently offered to provide a pass for the Panel's HOLMES specialist so that an escort was not required. This offer was accepted, but no pass was provided.

56. On 23 March 2015, in its regular report to the Home Secretary, the Panel explained the very significant difficulties it had experienced including the unacceptable delay in reaching agreement on access to documents and the consequential delay in the Panel's work, and the denial of the requested access to the computerised HOLMES system accounts relating to the murder of Daniel Morgan.

57. On 25 March 2015, Michael Kellett, the Panel's Secretary and its HOLMES expert met DCS Mick Duthie and the head of the Metropolitan Police HOLMES Support Unit to resolve the issue of the Panel's access to the HOLMES database, which by then had been outstanding for 18 months. Michael Kellett reiterated that the Panel wanted access at its offices. The Metropolitan Police HOLMES Support Unit representative said that this was not possible as it was contrary to policy, not just in respect of the Panel, but generally. DCS Duthie said that, in any case, the Panel's offices were not a secure police environment and that this was another

23 Letter from AC Cressida Dick to Baroness O'Loan, 30 December 2014.

24 As stated by AC Cressida Dick, '*confusingly, part 1 of this file is split into two parts and is spread between the Morgan 1 and Hampshire case material*'.

25 The initial Morgan One Investigation account on MICA had been transferred to HOLMES by Hampshire Constabulary in 1988 during its investigation.

26 Letter from Baroness O'Loan to AC Martin Hewitt, 27 January 2015. AC Hewitt took over responsibility for cooperation with the Panel after AC Dick took up a post with the Foreign & Commonwealth Office.

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reason that such access would not be possible, despite the fact that security at the building had been approved by the Metropolitan Police, and that the Panel was not the only sensitive body housed there.

58. When asked whether the Metropolitan Police transferred the HOLMES database to the Independent Police Complaints Commission when it was carrying out an investigation into the Metropolitan Police, DCS Duthie confirmed this to be the case, saying the Commission had statutory powers, whereas the Panel did not.

59. The head of the HOLMES Support Unit had earlier stated that she estimated that redacting the 'Secret' and 'Confidential' material on the database would take about ten months to complete. When asked how she had arrived at that estimate, she said that it was a rough estimate and while it was not exactly a case of '*finger in the air*' it was not far off being so. DCS Duthie undertook to have another look at the timescale and to report back as soon as possible.

60. On 05 May 2015, the Metropolitan Police agreed that the Panel could have a HOLMES terminal at the Panel's offices subject to Metropolitan Police satisfaction with regard to security. The Panel's offices had met all Government security requirements and had been assessed by the Metropolitan Police prior to the Panel commencing its work. Enhanced security provision required by the Metropolitan Police had been installed. On 23 June 2015, the Metropolitan Police's Directorate of Legal Services wrote to the Secretary to the Panel, advising that installing HOLMES at the Panel's offices would cost £26,278.31. The costing included almost £18,000 which would be payable to BT for cabling, network design, management of ordering supplies and liaison with suppliers and senior technical assistance. Over £8,200 would be payable to the Metropolitan Police contractor responsible for providing HOLMES, for project management, technical assistance and its site survey (which alone would cost over £700 to do). It was stated that there was also a real possibility that costs would increase further following a site survey of the Panel's offices.

61. In Autumn 2015**,** the Metropolitan Police undertook the survey of the Panel's offices and provided further estimates of the cost of installing the secure system for HOLMES access. When challenged on the additional work which they had said would have to be carried out, the Metropolitan Police subsequently indicated that it did not require further work after all. At the end of 2015, when the Panel reviewed its outstanding work and estimated timescale for completion, it decided in view of the cost of installing HOLMES, that it could not justify this expenditure of public money at the (then) advanced stage of its research and so decided not to pursue the matter further.

62. However, significant new information and voluminous material about the investigations into the murder of Daniel Morgan continued to come to light. It became clear that the Panel's decision not to pursue the installation of a HOLMES terminal was premature. The Panel subsequently revisited its decision not to proceed, and on 25 January 2018, a new request was made to the Metropolitan Police for a HOLMES terminal to be installed in the Panel's offices.[27]

63. On 16 March 2018, the Panel was told that the cost of installing a HOLMES desktop at its offices had increased significantly from £26,278.31, as work would need to be done to establish links from the Panel's offices to the Metropolitan Police's IT network. This could add a further £40,000 to the cost. The Panel considered the cost (over £65,000) was now far too high for it to commit to this. On 27 March 2018, the Panel requested a HOLMES laptop, to be used by its

27 Email from the Panel to DS Gary Dalby, 25 January 2018.

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HOLMES expert in the Panel's offices. On 27 June 2018, the Metropolitan Police denied this request on the grounds of security at the Panel's offices.[28] This was despite the fact that the Metropolitan Police had, as stated previously, approved the Panel's facilities to store 'Secret' material securely in its offices.

64. In view of the rejection of the request for a laptop with access to HOLMES, on the grounds of inadequate security at its offices, on 27 July 2018 the Panel sought another site survey of its offices by the Metropolitan Police and was given a cost for the further site survey of £4,000-5,000. The Panel challenged this relatively high cost for such an exercise in its offices, but on 10 October 2018 approval was granted to commence the survey.

65. The Metropolitan Police completed its survey on 04 December 2018, and its survey report was made available to the Panel on 30 January 2019.[29] The report asked for significant structural enhancements to allow a HOLMES laptop to be used in the offices. The enhancements recommended to be made included new strengthened walls, a new stronger secure door and reinforced windows.[30] The Panel challenged the structural enhancement requirements identified by the survey, and it was subsequently agreed by the Metropolitan Police that these enhancements would not be required.

66. Finally, on 28 February 2019, the Panel decided, reluctantly, not to pursue HOLMES installation any further due to the timescales for the work needed which was estimated to last months. In view of the stage the Panel had reached with its research for this Report, it was difficult to justify expenditure of over £60,000, especially since the Panel had been advised that the work would take five to six months to complete, and the Panel had been quoted a further £20,000 for the decommissioning of the HOLMES platform in due course, bringing the total cost to £85,000. Additionally, the Panel and Metropolitan Police would have had to come to agreement on a Memorandum of Understanding to provide the basis for access to HOLMES at the Panel's premises before it could be used. In light of the Panel's experience of delays with similar agreements since 2013, it was considered that this would take too long to achieve.

67. The Panel has therefore had to prepare its Report with limited access to the relevant HOLMES databases by its HOLMES specialist visiting Metropolitan Police premises and conducting checks supervised by the Metropolitan Police.

68. During the Covid-19 pandemic in 2020, when staff had to work from home, the Metropolitan Police agreed that the Panel's HOLMES expert could use an encrypted HOLMES laptop to access the relevant HOLMES databases at his home. The laptop was provided on 02 September 2020. It should have been provided in 2013.

69. In December 2020, the Metropolitan Police told the Panel that the facility to provide remote access to HOLMES securely via the Cloud was not available when the Panel first requested HOLMES access. However, from 2005 the Independent Police Complaints Commission (later the Independent Office for Police Conduct) received copies of HOLMES accounts from police forces, including the Metropolitan Police Service, upon request. The accounts were loaded on to their server for use by their staff in their investigations. HOLMES was used on both desktop computers and on secure laptops, although where the material had a Government security

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28 Email from Metropolitan Police to Fieldfisher, 27 June 2018.
29 Email from the Metropolitan Police to the Panel, 30 January 2018.
30 Report on the Suitability of the Use of DMIP […], 05 December 2018.

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classification of 'Secret' or above, separate considerations have applied. Moreover, a member of the Panel, while working in a different capacity in 2012 and 2013, was able to have a secure laptop on which HOLMES was available.

70. **There can be little doubt that the Metropolitan Police were determined not to permit access to the HOLMES system which would have enabled the Panel to carry out its work far more efficiently and effectively. Very significant resources had to be spent challenging the continuing Metropolitan Police assertions about the difficulties of enabling the requested access to the HOLMES system. This should not have happened. The Panel would have been greatly helped in its work preparing this Report and would have been able to complete its Report much sooner, had it had access to the HOLMES system in its own offices from September 2013.**

71. **The Panel has never received any reasonable explanation for the refusal over seven years by AC Cressida Dick and her successors to permit proper access to the HOLMES accounts to the Daniel Morgan Independent Panel. The consequential major delays to the Panel's work, which inevitably added to the Panel's costs, caused further unnecessary distress to the family of Daniel Morgan.**

RECOMMENDATION

72. All independent panels and inquiries examining police investigations should be given full access to the associated HOLMES accounts at their secure premises when they begin their work.

4 Obtaining historic and current police policy documentation

73. When assessing the behaviour of the police, and what they did or did not do to investigate or review the murder of Daniel Morgan, it was necessary to consider the law, relevant police policies, guidelines and standing orders as they existed in 1987 and as revised during the subsequent investigations and reviews of the case. The Panel had significant difficulty in accessing these documents.

74. Historical policing documentation is held by a variety of organisations, many of which, like the Association of Chief Police Officers (ACPO), have ceased to exist or have been replaced by other organisations. Many of the relevant policy documents for the Metropolitan Police were archived at its Heritage Centre in West Brompton, London, which was most helpful to the Panel. Other organisations such as the College of Policing, The National Archives, the National Crime Agency and the Crown Prosecution Service have also been of assistance to the Panel in its work.

75. The National Crime Agency was particularly helpful in searching for and providing the Panel with documentation originating with its predecessor organisation, the Serious Organised Crime Agency. It also readily agreed to carry out research of the National Injuries Database and the Home Office Homicide Index, so as to provide the Panel with a report concerning the frequency and circumstances of homicides in which axes have been used.

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76. The material sought by the Panel included guidance manuals produced by the Association of Chief Police Officers (ACPO) – now the National Police Chiefs' Council – which were restricted documents and not publicly available. The first request for such material – the Guidance on Debriefing Assisting Offenders, which was essential for the Panel's full understanding of the issues surrounding the debriefing in the Abelard Two Investigation – was made in December 2013. The request and a follow-up reminder were not acknowledged. Therefore, on 11 March 2014, the Panel sent a letter to the President of ACPO, Sir Hugh Orde, explaining the Panel's attempts to date to obtain documentation from ACPO and requesting his personal assistance in the matter.[31] The Panel was referred to the 'ACPO lead', a senior officer in Merseyside Police. Over the next few months, the Panel was referred in turn to Nottinghamshire Police, the Metropolitan Police, West Midlands Police and then back to the Metropolitan Police. Only in December 2014 was the document finally made available to the Panel, a year after it was first requested.

5 Obtaining material from other criminal justice agencies

77. Hampshire Constabulary conducted the second investigation of Daniel Morgan's murder. Following agreement of the Disclosure Protocol with the Metropolitan Police in December 2014, Hampshire Constabulary entered into a Disclosure Agreement in May 2015, and documents were received between July 2015 and January 2017.

78. In September 2014, the Panel's Counsel contacted the Crown Prosecution Service seeking assistance to obtain Crown Prosecution Service documentation relevant to the Panel's work. Although the Disclosure Protocol and the Data Protection Agreement were designed to enable the different providing organisations to release documentation to the Panel, it was understood that the Crown Prosecution Service might face problems as regards its obligations under section 19 of the Regulation of Investigatory Powers Act 2000. After lengthy discussions, agreement on disclosure was reached in June 2015.

79. The Panel received the first documentation from the Crown Prosecution Service in November 2015. It sought from the Crown Prosecution Service only documentation which had not already been provided by the Metropolitan Police or Hampshire Constabulary, but the Crown Prosecution Service has limited archives, and document retrieval was, on occasion, very difficult.

80. In the course of its work, it became necessary for the Panel to seek documentation from the Criminal Cases Review Commission. However, under the terms of the legislation governing its activities, the Commission is not permitted to share material with non-statutory inquiries.[32] It was therefore necessary for a Statutory Instrument to be passed by Parliament to enable disclosure by the Criminal Cases Review Commission. The process of getting agreement, drafting, and passing the Statutory Instrument into law took 13 months from June 2018 to July 2019. There was some delay in passing the necessary Statutory Instrument because of the priority given to Brexit-related work. However, disclosure by the Criminal Cases Review Commission happened rapidly once the necessary legislative change had been made.

81. When the Panel was appointed, there was limited awareness of all the facts surrounding the case. As the situation unfolded, more and more documentation was sought by and made available to the Panel over several years. The Panel had no expectation when it started that

31 Letter from Panel to Sir Hugh Orde, 11 March 2014.

32 The Criminal Appeal Act 1995.

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court hearings and criminal investigations relating to the conduct of the investigation of Daniel Morgan's murder and associated issues would continue until April 2020. However, this is what happened. As a consequence of the ongoing criminal investigations, the Panel was temporarily denied access to documentation relevant to its work on a number of occasions. Its final receipt of documentation occurred in March 2021.

RECOMMENDATION

82. In order to avoid most of the delays and difficulties inherent in this case, and in so many other unsolved cases, there is a need for a review of the processes for archiving historic material with a view to creating a system which can produce national and local documents as required.

6 Access to retired and serving Metropolitan Police officers

83. During its work, the Panel found it necessary to contact serving and former police officers to assist the Panel. Once the Panel began to access Metropolitan Police documentation in December 2014 (the initial briefing pack and catalogue), and subsequently actual documentation from January 2015 onwards, the Panel was in a position to identify the police officers who had been involved with the investigations into the murder of Daniel Morgan, and to consult with the Metropolitan Police about appropriate arrangements for confidential communications from the Panel to be forwarded by the Metropolitan Police to relevant former and serving police officers.

84. On 17 December 2014, the Panel became aware that the Metropolitan Police had circulated a notice requiring any Metropolitan Police personnel who wished to contact the Panel to do so through a Metropolitan Police single point of contact '*to ensure that we have a full record of these requests and any potential responses*'. The Chair of the Panel wrote to AC Cressida Dick that same day (17 December) asking the Metropolitan Police to '*make it clear to all Metropolitan Police officers and staff that it is open to them to contact the Panel directly and to provide it with any information they consider relevant, in confidence and without reference to the single point of contact or anyone else in the Metropolitan Police*'.[33]

85. On 18 December 2014, a procedure was agreed with the Metropolitan Police for them to forward confidential correspondence, under sealed cover, to retired police officers whom the Panel wished to contact. Accordingly, the Panel provided the Metropolitan Police with letters to two former officers, with a request for the letters to be delivered in the New Year.

86. On 06 January 2015, the Panel was informed that an email had been circulated to all Metropolitan Police officers and staff stating that staff could contact the Panel directly, rather than going through the Metropolitan Police's Panel support team. The Panel's solicitor arranged a single point of contact and dedicated phone number for Metropolitan Police staff who wished to contact the Panel.

33 Letter from Baroness O'Loan to AC Cressida Dick, 17 December 2014.

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87. On 16 January 2015, the Metropolitan Police's solicitor, by email, asked that the Panel provide assurances that natural justice principles would be followed by the Panel in its contact with potential interviewees. Attached to the email was a draft letter which the Metropolitan Police proposed to send to current and former employees in tandem with the Panel's private correspondence (such as the two letters handed to the Metropolitan Police in December 2014, which remained undelivered to the former officers). This draft letter included a statement of the duty of care of the Metropolitan Police to current and former employees, and a set of questions to be put by the Metropolitan Police to any officer whom the Panel might decide to approach. The Panel viewed the contents of the Metropolitan Police letter as an attempt by the Metropolitan Police to interfere with the independence of the Panel and to warn off potential interviewees.

88. While reiterating its commitment to complying with all of its obligations with regard to fairness at every stage of the process, the Panel insisted that no Metropolitan Police correspondence should be sent with any letter from the Panel. Baroness O'Loan also spoke to AC Martin Hewitt about the matter, and he arranged for the letters to be forwarded immediately without any accompanying correspondence by the Metropolitan Police to the two former officers.

89. On 27 January 2015, after Metropolitan Police consultation with the Panel, a message was sent to all Metropolitan Police staff inviting anyone with information to contact the Panel directly. Baroness O'Loan welcomed this but stated that '*the Panel finds the deliberate withholding of correspondence by the Metropolitan Police destined for retired officers to be in contravention of the agreement made on 18 December 2014, to be unacceptable and completely without justification. The Panel does not expect such a failure to be repeated*'.

7 Access to sensitive Metropolitan Police documents

90. The processes agreed for the Panel to receive documents from the Metropolitan Police did not include access to sensitive material. Separate arrangements for access to such material required the Panel to visit Metropolitan Police premises on the outskirts of East London which entailed a two-hour return journey from the Panel's offices in Central London. On 13 May 2015, Baroness O'Loan wrote to AC Martin Hewitt about this issue. In earlier discussions, it had been suggested that material might be moved to New Scotland Yard, or to alternative Metropolitan Police premises, for viewing by Panel members.

91. On 01 June 2015, AC Martin Hewitt replied to Baroness O'Loan stating that he could facilitate Panel members' access to this material at police headquarters. However, he said:

i. Two police officers would be required to convey sensitive material to and from New Scotland Yard, to avoid the risk of such highly sensitive material, including that relating to threats to life, being lost or misplaced during its move between locations. This would have resource implications and could delay other work, including preparing material for the Panel.

ii. The quantity of sensitive redacted material would increase as more documents were disclosed, so the frequency of transportation to New Scotland Yard would inevitably increase.

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iii. The sensitive material was required for reference, during the preparation of the less sensitive material for data-indexing and digitalisation for the Panel. Relocation of these documents away from the bulk of the papers could cause delays.

iv. Access would only be permitted at New Scotland Yard to the sensitive material. As a consequence, Panel members would have been unable to check the surrounding material which was sometimes helpful when viewing the sensitive documents.[34]

92. The Panel concluded eventually that it would have to continue with the existing arrangements of viewing sensitive documents at the Metropolitan Police premises in East London. This was far from satisfactory, and significant time continued to be wasted.

93. All staff employed by the Panel received appropriate security clearance before starting work. That clearance was reviewed as required by the appropriate authorities. This is a very necessary part of any strategy to prevent corruption. However, the Panel discovered that the Metropolitan Police officer responsible for providing documents to the Panel, who had full access to all the material held by the Metropolitan Police relating to the investigations into Daniel Morgan's murder, was not cleared to a level which allowed him to have access to all the material he was handling. The situation was severely aggravated by the fact that, as part of his role, he was allocating security classifications to documents (some of which were 'Secret') and redacting sensitive material contained in them. It was he who was deciding which documents should be redacted before being downloaded onto the Panel's database, and which documents Panel members would have to view in unredacted format in East London. When it discovered this at a late stage, the Panel had to arrange for the Home Office to conduct security clearance of the police officer, a task that ought to have been carried out by the Metropolitan Police many years earlier.

94. **Some material was excessively and inconsistently redacted before being placed on the Panel's database, necessitating trips to the outskirts of East London to examine the original unredacted documents. On occasion, the redactions were found to be clearly unnecessary. While appropriate protection of investigation materials is obviously important and necessary, the way in which material was released to the Panel was unsatisfactory. There was not insignificant obstruction to the Panel's work.**

RECOMMENDATION

95. In any future Panel inquiry, arrangements should be made for the storage of sensitive material in the Panel's premises, in a similar manner to provision made for inquiries being conducted under the Inquiries Act 2005.

7.1 Access to Operation Othona material

96. The report by Mark Ellison QC for the Stephen Lawrence Independent Review, published in March 2014, looked at possible corruption and the role of undercover policing in the Stephen Lawrence case. The report included details of Operation Othona, a Metropolitan Police anti-corruption initiative established in 1994, which sought to assess how serious corruption was within pockets of the Metropolitan Police, and in particular some of the specialist squads.

34 Letter from AC Martin Hewitt to Baroness O'Loan, 01 June 2015.

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97. Mark Ellison QC said that the Stephen Lawrence Independent Review was unable to see documentation in connection with Operation Othona as it could not be located by the Metropolitan Police. The only information related to Operation Othona was intelligence that was discovered on a computer hard drive in 2013. Mark Ellison QC commented in his report that '[i]*f the MPS* [Metropolitan Police Service] *searches for all relevant material cannot reveal such reports of central significance to the issue of police corruption in the Stephen Lawrence murder investigation, there must be serious concerns that further relevant material has not been revealed*'.

98. In Summer 2013, Mark Ellison QC made enquiries of the Daniel Morgan Independent Panel because the Panel's Terms of Reference required it to examine the role that police corruption played in the murder of Daniel Morgan. He was concerned that there was '*a real possibility that the Daniel Morgan Independent Panel may hold or acquire material relevant to our review of the corruption issue*'. The Metropolitan Police were therefore alerted to the possible importance of the Operation Othona documentation to the work of the Panel.

99. Following the publication of the report by Mark Ellison QC, the Metropolitan Police created the Assistant Commissioner's Public Inquiry Team to investigate, among other matters, allegations of missing or destroyed historical anti-corruption intelligence. On 15 July 2016, AC Martin Hewitt wrote to the Panel confirming that significant progress had been made in locating and digitising historical anti-corruption intelligence. A computer hard drive had been found in a cardboard box in November 2013, containing a standalone intelligence database (Bawsdey) covering material from 18 July 1994 to 24 January 2003. On 07 September 2016, the Panel sought disclosure of all material relevant to its Terms of Reference. It was particularly interested in the electronic database, Bawsdey. The Panel did not understand why digitisation was essential before material could be examined.

100. On 16 February 2017, the Panel's solicitor wrote to the Metropolitan Police's solicitor indicating that the Panel would shortly be concluding its review of the papers before it and would be seeking to finalise any conclusions drawn from them. It was important therefore to ensure that the Panel had had sight of all potentially relevant material held by the Metropolitan Police. The Panel asked for written confirmation that no further disclosure, as required under the Panel's Terms of Reference and as agreed in the Disclosure Protocol, was anticipated.

101. In this letter, the Panel's solicitor referred to the volume of materials from Operation Othona, which might be relevant to the Panel's work.[35] It asked the Metropolitan Police to keep it fully appraised of the potential for future disclosure and asked for confirmation of:

i. the scope of both digitised and non-digitised material held in respect of Operation Othona;

ii. the steps taken by the Metropolitan Police to identify any digitised materials potentially relevant to the Panel's work and for written confirmation of the method(s) of searching, the outcome of any searches to date, whether this review was ongoing and the anticipated date of completion; and

iii. whether any review had been undertaken to identify any non-digitised materials potentially relevant to the Panel's work, and if the material had been indexed or catalogued in some way, and whether consideration had been given to prioritising

35 Letter from Fieldfisher to Metropolitan Police solicitors, 16 February 2017.

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the review of those documents/boxes which were more likely to contain material potentially relevant to the work of the Panel. The Panel asked when the work would be completed.

102. On 19 June 2017, AC Martin Hewitt assured the Panel that the Metropolitan Police '*has continuously searched for Daniel Morgan related documents to ensure that everything possible is done to try and locate them*' and that, were any newly discovered material falling within the Terms of Reference to be found, the Metropolitan Police would notify the Panel. He referred to the size and complexity of the Operation Othona documentation and the probability that the material did not represent the entirety of the Metropolitan Police Operation Othona records.

103. AC Martin Hewitt said that the Metropolitan Police had identified 600 crates holding material of interest to the Panel, which were being transferred to Lextranet for review. He also said that the estimated date for completion for this work was May 2018. The process of data-indexing was completed in December 2018 when some material became available to the Panel.

104. In view of the sensitivity of this documentation, the Panel and its Secretariat could only access and view documents at the Metropolitan Police's premises in East London.

8 Support from the Home Office

105. The Home Office is the sponsoring department for the Panel. A senior civil servant in the Home Office is given the role of Senior Sponsor to the Panel as part of their wider set of responsibilities. The relationship with the different officials who have been Senior Sponsor (also referred to as Senior Responsible Officer) since 2013 has been positive, but the relationship with the Home Office as a department has been more challenging.

106. An Inquiry or Panel looks to its sponsoring department to provide effective support in the form of good IT systems and office equipment, and to recruit staff. Without these, a Panel cannot perform its role effectively. Since 2013, the Panel has experienced some slowness in responses, lack of communication, delay in the delivery of computer equipment, and delay in vetting staff. Initial delay in the provision of desktop computers and laptops when the Panel was first established meant that the Panel did not have the essential computers to do its early work. This damaged the confidence of members of Daniel Morgan's family in the Panel process in the crucial initial stages.

107. The Panel has, throughout, communicated the difficulties and delays it has experienced in accessing documentation and the HOLMES system to the Home Office. However, although on occasion it was most helpful, the Home Office did not always advocate in support of the Panel's requirements.

108. Without access to the HOLMES database for its research staff, the Panel had to rely entirely on Lextranet, which was supplied by DIT, the service recommended by the Home Office. However, the Panel was informed in 2018 that risks to security of data held on the system could only be addressed by moving to a new platform, Relativity, run by EPIQ.

109. Discussions between the Home Office, EPIQ and the Panel's Secretariat about the transfer of material from Lextranet to Relativity began in April 2018 and lasted 12 months. The transfer of data started in April 2019 and was completed by the end of September 2019. However, in December 2019, the Home Office identified security issues with Relativity which had to be resolved through a system upgrade by EPIQ. Relativity was only given its security accreditation

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by the Home Office in July 2020, and shortly after that, Lextranet became unavailable. Moving to a different digital management system, and then working on two digital management systems for 15 months from April 2019 to July 2020, further delayed the Panel's work.

110. In November 2020, the Home Secretary, Priti Patel MP, acknowledged to the Panel that, although there may have been some initial delays in establishing the necessary infrastructure for the Panel's work, '*lessons have been learned since the Panel was set up*', which includes the establishment of a central Home Office Sponsorship Unit including a dedicated Inquiry Sponsorship Team, with processes which now exist to support the setup of new inquiries.

9 Conclusion

111. The events around the murder of Daniel Morgan and the subsequent police investigations are very complex. However, the Panel faced major, unnecessary problems in accessing material and systems. While it received great assistance from organisations such as the National Crime Agency, the Independent Office for Police Conduct, and the Criminal Cases Review Commission, it did not experience, particularly from the Metropolitan Police, the necessary level of cooperation. Many of the difficulties described here could have been anticipated and resolved before the Panel was established in 2013. This was not the case, and the Panel has had to deal with them as best it could, but, as a non-statutory Panel, it has done so without the powers accorded to statutory inquiries.

112. The Panel received its first set of documents from the Metropolitan Police in January 2015, and it received its final documents from the Metropolitan Police in March 2021. The Panel has presented its Report to the Home Secretary within 12 months of receipt of the final set of documents.

It is important that lessons are learned about planning and preparation before the appointment of panels and similar public scrutiny bodies, to avoid unnecessary distress to the families of those affected, and unnecessary delays and cost to the public purse.

RECOMMENDATION

113. It is recommended that, whenever a major incident remains under investigation or inquiry, documents should be retained in digitised form, subject to appropriate security measures and made available to those who subsequently and justifiably require access to them.

RECOMMENDATION

114. In the interest of transparency and public accountability, all public institutions should be under a duty to cooperate fully with independent scrutiny bodies, created by Government, such as the Panel.

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Chapter 12: The Treatment of the Family

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9 Unwarranted assurances and Metropolitan Police apologies

1 The Panel's approach to this chapter

1. The treatment of members of Daniel Morgan's family by the police and other parts of the criminal justice system is central to the Panel's Terms of Reference.[1] The Panel's Report is intended to provide the family with answers to their questions as well as an opportunity for them to voice their perspectives on the handling of the investigation of Daniel Morgan's murder. The next two chapters are closely linked as they both focus on the family of Daniel Morgan: this chapter looks at the treatment of the family by the criminal justice system, especially the police, since the murder of Daniel Morgan in 1987; and the next chapter focuses explicitly on the personal perspectives of their experience by members of the family.

2. How a family is treated by those investigating the murder of a loved one is vitally important. The trauma experienced by the family as a consequence of the murder can be seriously exacerbated by adverse experiences of the investigation. Such adverse experiences can also rapidly diminish trust between the family of a murder victim and the police. The views expressed by members of the family in this and the next chapter reflect the experiences which they had

1 Terms of Reference, para 2.

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over the decades. They should not be taken as those of the Panel. Panel findings, here as elsewhere, highlighted in green boxes, reflect instances where the research into the concerns of the family has produced evidence upon which the Panel has felt compelled to comment.

3. Since its formation, the Panel has met members of the family on a regular basis in accordance with its 'family first' principle. There have been at least 40 meetings and multiple telephone calls and email exchanges with members of the family in which the Panel has discussed its Report and the work underway. The Panel conducted interviews with members of Daniel Morgan's family, and used comments and notes made by members of the family, records retained by Daniel Morgan's brother, Alastair Morgan; as well as contemporaneous police records. However, the Metropolitan Police have produced no records for many of their meetings with Daniel Morgan's family. The Panel has found the insights of the family to be very helpful in preparing this Report.

Family Liaison Policy throughout this period

Today, the relationship between police officers and a bereaved family is considered vitally important, with clear policies, processes and structures regulating family liaison activities. However, at the time of Daniel Morgan's murder, the provision of family liaison was not formalised. The responsibility for communicating with the family of a victim rested with the Senior Investigating Officer. Beyond the initial contact with the family, there was little systematic liaison, unless the investigation required it, or there was significant information to pass on. Prior to its formalisation, family liaison has been described as '*something that a few committed investigators did on an ad hoc basis*'.

Family Liaison Policy in the 1990s

In the 1990s, Family Liaison Policy became more formalised. This was recognised in the Association of Chief Police Officers 'Murder Investigation Manual 1998', which stated that '*it is recognised good practice to appoint Family Liaison Officers to work very closely to and support the immediate family of the deceased*'.[2]

Family Liaison Policy in 2001

Sir William Macpherson's inquiry report on Stephen Lawrence's murder, published in February 1999, had included six recommendations relating to family liaison practices in the police,[3] and on 23 March 2001 the Metropolitan Police introduced its 'Family liaison policy and fundamental guidelines'.[4] With this, the role of Family Liaison Officer in the Metropolitan Police became formalised, training was provided and family liaison logs were introduced.[5,6] The mission statement of the Metropolitan Police policy reads:

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2 Association of Chief Police Officers (ACPO) Crime Committee, Murder Investigation Manual, MPS109705001, p180, September 1998.
3 Sir William Macpherson, The Stephen Lawrence Inquiry, pp377-378, 24 February 1999.
4 Metropolitan Police, Family liaison policy and fundamental guidelines, MPS109906001, 2001.
5 Metropolitan Police, Family liaison policy and fundamental guidelines, MPS109906001, p6, 23 March 2001.
6 Metropolitan Police, Family liaison policy and fundamental guidelines, MPS109906001, p23, 23 March 2001.

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> *'One of the most important considerations throughout any investigation into a sudden, violent or unexplained death is the relationship between the family and police. Families will be considered as partners in an investigation. Families must be treated appropriately, professionally, with respect and in accordance with their diverse needs. This principle must be reflected at all levels of the police service.'*[7]

The policy established a management coordination role and defined processes for selection and training. The importance of the guidance was reinforced in the foreword by then Deputy Commissioner Ian Blair.[8,9,10]

T/D/Supt David Zinzan, in a report to his management on 07 May 2002, demonstrated his familiarity with the Metropolitan Police's family liaison guidance when he described the relationship with Daniel Morgan's family as '*assessed as level 2 bordering on level 3*'.[11]

The levels of assessment are summarised in the 2001 'Family liaison policy and fundamental guidelines' as follows:

> ***'Level 1** – The police/family relationship is stable with no ongoing or anticipated problems.*
>
> ***Level 2** – The police/family relationship is or is anticipated to give cause for concern.*
>
> ***Level 3** – The police/family relationship is consistently unstable or non-existent and may require the involvement of an intermediary, mediator and/or crisis intervention.'*[12]

In February 1999, the Stephen Lawrence Public Inquiry, headed by Sir William Macpherson, published its findings. The report highlighted the failings in family liaison strategies employed by the Metropolitan Police and produced recommendations to tackle these apparent failings.[13]

2 Introduction

4. Daniel Morgan was married to Iris Morgan and they had two children, Sarah Morgan and Daniel Morgan, whom we refer to as Dan Morgan. Daniel Morgan was also survived by his mother, Isobel Hülsmann, who very sadly died during the preparation of this report, his brother, Alastair Morgan, and his sister, Jane Morgan. The family's grief has been compounded since the murder by their treatment at the hands of some police officers and representatives of other organisations.

7 Metropolitan Police, Family liaison policy and fundamental guidelines, MPS109906001, p5, 23 March 2001.
8 Metropolitan Police, Family liaison policy and fundamental guidelines, MPS109906001, pp19-22, 23 March 2001.
9 Metropolitan Police, Family liaison policy and fundamental guidelines, MPS109906001, pp6-8, 23 March 2001.
10 Metropolitan Police, Family liaison policy and fundamental guidelines, MPS109906001, p3, 23 March 2001.
11 Report from T/D/Supt David Zinzan to DCS Shaun Sawyer, *'Re: Operation Abelard formation of Gold Group'*, MPS047329001, p1, 07 May 2002.
12 Metropolitan Police, Family liaison policy and fundamental guidelines p9, 23 March 2001.
13 Sir William Macpherson, The Stephen Lawrence Inquiry, pp377-378, 24 February 1999.

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5. Many of the interactions between police officers and Daniel Morgan's wife, his mother and brother, were not well managed, during the first hours, days and weeks following the murder; the way in which Iris Morgan and Isobel Hülsmann were informed of Daniel Morgan's murder was particularly regrettable.

6. In the year following the murder, the Inquest was held. This was a difficult and traumatic time for the family.

7. During the 1990s, developments directly related to the murder of Daniel Morgan were few and far between. Members of the family had the attention of some key officers, such as the Commissioner, Sir Paul Condon, who met and gave positive assurances to Isobel Hülsmann and Alastair Morgan, but there was a scarcity of new and tangible information. It was a time of continuing frustration for the family.

8. The decade closed with a significant development, Operation Nigeria/Two Bridges, which sought to expose corruption within Law & Commercial, the successor of Southern Investigations, the private detective agency which Daniel Morgan had run with Jonathan Rees. Its objectives also included seeking further information about the murder of Daniel Morgan.

9. The 2000 Murder Review, which was conducted by DI Steve Hagger, gave rise to a new and focused covert operation in 2001, referred to as Abelard One, led by DCI, later T/D/Supt, David Zinzan. By March 2001, the Metropolitan Police had introduced 'Family liaison policy and fundamental guidelines', which formalised the appointment and role of Family Liaison Officers in investigations. For members of Daniel Morgan's family, this proved to be a significant new era in their relationship with the Metropolitan Police and their involvement in matters relating to the murder.

10. In 2002, DCS David Cook became Senior Investigating Officer of Morgan Two, the overt arm of the joint operation referred to here and throughout this Report as the Abelard One/ Morgan Two Investigation. Together, DCS Cook and T/D/Supt David Zinzan were determined to do all they could do to bring the perpetrator(s) to justice. The ultimate decision of the Crown Prosecution Service that there were insufficient grounds to bring a prosecution was a huge disappointment to the family, and their earlier feelings of despair and disillusionment returned.

11. In 2006, the Metropolitan Police Authority required the Metropolitan Police to carry out a review of the investigations into Daniel Morgan's murder and to report to the Authority. Following this, after the emergence of new evidence, a further investigation, Abelard Two, was established. This led to the prosecution of Jonathan Rees, James Cook, Glenn Vian and Garry Vian for murder, and the prosecution of former DS Sidney Fillery for doing an act tending and intended to pervert the course of justice. All the Defendants were acquitted in 2011. Although the family had experienced a much-improved working relationship with the police since 2001, they were extremely disappointed when the Defendants were acquitted. The family received public and official apologies from the Metropolitan Police, but they were still left devastated. They again argued at the highest level for a public inquiry, and in May 2013 the then Home Secretary, Theresa May MP, announced in Parliament the launch of a Panel Inquiry and the appointment of the Daniel Morgan Independent Panel.

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3 The murder of Daniel Morgan, its investigation and the Inquest

3.1 Receiving the news of Daniel Morgan's death

12. Iris Morgan's first police contact was in the early hours of Wednesday 11 March 1987, when officers visited her home to break the news of her husband's death.[14]

13. D/Supt Douglas Campbell, the Senior Investigating Officer of the first investigation into the murder, the Morgan One Investigation, asked Jonathan Rees, Daniel Morgan's business partner, to confirm Daniel Morgan's home address and whether Iris Morgan would be there. D/Supt Campbell then asked Jonathan Rees, who was already at Catford Police Station because he had been asked to assist the police, if he would inform Iris Morgan of her husband's death.[15]

14. Jonathan Rees was taken by PC Laurence Hart and DC Noel Cosgrave to Iris Morgan's home.[16,17] Both officers subsequently explained that they wanted to ensure that Iris Morgan would not be left alone after she was told of her husband's death, so they relied on Jonathan Rees to advise who should be present.[18] Two of Iris Morgan's friends were contacted and accompanied the police officers and Jonathan Rees to Iris Morgan's home.[19]

15. PC Laurence Hart stated that they '*knocked on the door but got no answer*'.[20] Jonathan Rees then informed the officers that Iris Morgan kept the back door unlocked when Daniel Morgan was out, and the officers and the two friends of Iris Morgan were able to gain access through the back door.[21] One of Iris Morgan's friends went into her bedroom, spoke to her and brought her out onto the upstairs landing where DC Noel Cosgrave informed Iris Morgan of her husband's death, as he stated he did not believe it was right for Jonathan Rees to do so. After Iris Morgan had been informed, PC Hart went through the personal telephone index and telephoned some members of Iris Morgan's family.[22]

16. After being informed of her husband's death, Iris Morgan was understandably very upset. DC Noel Cosgrave decided to call a doctor and one attended later that morning.[23]

17. Iris Morgan has not criticised the way in which the police informed her of her husband's murder. She has, however, said that she does not know why Jonathan Rees attended, and that he was not welcome in the house.[24,25]

18. Jonathan Rees informed the Panel in November 2020 that he did not wish to attend Iris Morgan's house to inform her of Daniel Morgan's death and did so on instructions from D/Supt Douglas Campbell.

14 Witness statement of a neighbour of Iris Morgan, MPS002154001, pp3-4, 22 April 1987.
15 Witness statement of DC Kinley Davies, MPS028043001, pp2-3, 7 July 1988.
16 Witness statement of DC Noel Cosgrave, MPS003327001, pp1-2, 22 June 1988.
17 Witness statement of PC Laurence Hart, IPC001017001, p4, 17 December 1987.
18 Witness statement of PC Laurence Hart, MPS028066001, p2, 22 June 1988.
19 Witness statement of DC Noel Cosgrave, MPS003327001, p2, 22 June 1988.
20 Witness statement of PC Laurence Hart, IPC001017001, p4, 17 December 1987.
21 Witness statement of PC Laurence Hart, IPC001017001, p2, 17 December 1987.
22 Witness statement of DC Noel Cosgrave, MPS003327001, p2, 22 June 1988.
23 Witness statement of DC Noel Cosgrave, MPS003327001, p2, 22 June 1988.
24 Panel meeting with Iris Morgan, p2, 19 May 2015.
25 Panel meeting with Iris Morgan, Sarah Morgan, and Dan Morgan, p1, 8 August 2016.

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19. WDS Christine Fowles became the primary police contact for Iris Morgan[26] effectively fulfilling the role of Family Liaison Officer. DC Richard Davis worked with WDS Fowles. DC Davis stated that they were given the task of '*looking after*' Iris Morgan and the immediate family, including Alastair Morgan.[27]

20. It was appropriate to have someone present who knew Iris Morgan in order to comfort her when the police left, and her two friends fulfilled that role. It was also appropriate that the police asked Jonathan Rees to identify such people. However, it was inappropriate that Jonathan Rees went with the police into the Morgan's home, as he was the last known person to see Daniel Morgan alive.

21. Isobel Hülsmann, Daniel Morgan's mother, lived in Wales at the time of her son's death. She was informed of his death during a telephone call from a member of the Metropolitan Police at 4.00 am on 11 March 1987.[28] She was not informed of the circumstances of his death.[29]

22. Isobel Hülsmann should not have been told of her son's death during a telephone call from the police at 4.00 am. The police should either have asked a member of her family to tell her, or they should have asked a local police officer to inform her in person.

3.2 Early interactions between family members and the police

23. At the time of Daniel Morgan's murder, police family liaison was less developed. Some of the effort made by individuals to inform and support members of Daniel Morgan's family was appreciated, such as the support provided to Iris Morgan by WDS Christine Fowles. Nevertheless, at times, members of Daniel Morgan's family felt let down by police failures of communication.

24. Iris Morgan, Isobel Hülsmann, Alastair Morgan and Jane Morgan have all told the Panel that they felt that some members of the first police investigation team were arrogant, unnecessarily distant or offensive, and showed a lack of basic respect and consideration for the family during this period (see Chapter 13, The Morgan Family's Experience: A selection of personal perspectives from the family of Daniel Morgan).

25. Iris Morgan has told the Panel that her experience with the police in the early stages of the first murder investigation '*upset her*'.[30] She explained that while she established a good relationship with WDS Christine Fowles, she felt that D/Supt Douglas Campbell should have come to see her.[31,32] She has recounted to the Panel that it was not until she went to Sydenham Police Station some days after Daniel Morgan's murder that she met D/Supt Campbell.[33]

26 Witness statement of WDS Christine Fowles, MPS021582001, p1, 05 July 1989.
27 Witness statement of DC Richard Davis, MPS000188001, p1, 06 June 1989.
28 Witness statement of Isobel Hülsmann, MPS001977001, p1, 26 May 2000.
29 Witness statement of Isobel Hülsmann, MPS000002001, p3, 17 March 1987.
30 Panel meeting with Iris Morgan, p1, 19 May 2015.
31 Witness statement of WDS Christine Fowles, MPS021582001, p1, 05 July 1989.
32 Witness statement of DC Richard Davis, MPS000188001, p1, 06 June 1989.
33 Panel meeting with Iris Morgan, p1, 19 May 2015.

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26. It would have been courteous, professional and consistent with best practice for D/Supt Douglas Campbell, as the Senior Investigating Officer, to have travelled to Iris Morgan's home to introduce himself to her, as she was an important witness as well as Daniel Morgan's widow.

27. DI Allan Jones, D/Supt Douglas Campbell's deputy, made a similarly poor first impression on Iris Morgan. On 17 March 1987, Iris Morgan provided a statement noting that Daniel Morgan had been wearing a Rolex watch on the day that he was murdered.[34] No watch was retrieved from Daniel Morgan's body.[35] She described DI Jones as abrupt, adding that his demeanour when discussing her husband's missing Rolex watch upset her.[36] Daniel Morgan's missing Rolex watch became an important issue for the family and one which caused them a great deal of distress. The police searched for Daniel Morgan's watch because its disappearance was potentially linked to the murder. In addition to this, D/Supt Campbell recognised the importance of the lost Rolex watch to the family (see Chapter 1, The Morgan One Investigation).

28. Alastair Morgan's first contact with the police was a meeting with DI Allan Jones.[37] Alastair Morgan told the Panel that DI Jones treated him like a suspect when asking where he was at the time of the murder, (he was in Wales) and that DI Jones made a poor first impression by the manner of his questioning.[38] When interviewed by the Panel, former DI Jones accepted that he had asked Alastair Morgan about his whereabouts on the night of the murder, and that Alastair Morgan had been offended by this and their relationship never improved.[39] Former DI Jones expressed regret that he had made a poor impression on Alastair Morgan and said that asking him about his whereabouts on the night of the murder may have unintentionally made him feel like a suspect. DI Jones also told the Panel that DS Malcolm Davidson accompanied him to subsequent discussions with Alastair Morgan, as he felt DS Davidson had a '*calming influence*'.[40] While it is legitimate for everyone to be questioned about their whereabouts in connection to a murder, such questions must be handled with sensitivity.

29. Alastair Morgan has spoken to the Panel about a meeting with DI Allan Jones and DS Sidney Fillery on 12 or 13 March 1987, where he said he explained his concerns about the Belmont Car Auctions robbery (which occurred on 18 March 1986 and involved the theft of auction takings from Jonathan Rees) and how it could provide a '*probable motive for murder*'.[41] He said that neither DI Jones nor DS Fillery took notes of the discussion, and he '*didn't see a notebook, or a pen the whole interview*', which struck him as odd and '*unprofessional*'.[42] Former DI Jones stated to the Panel in November 2020 that notetaking when speaking to family members of the deceased was not always appropriate, and at the stage that Alastair Morgan was spoken to, the aim was to give him reassurance and establish a relationship.

34 Witness statement of Iris Morgan, MPS000006001, p7, 17 March 1987.
35 Witness statement of DS Graham Frost, MPS018107001, p2, 26 April 1989.
36 Panel meeting with Iris Morgan, p1, 19 May 2015.
37 Witness Statement of Alastair Morgan, MPS001922001, p17, 16 May 2000.
38 Panel meeting with Alastair Morgan, p17, 23 February 2015.
39 Panel interview with DI Allan Jones, PNL000201001, p2, 04 March 2015.
40 Panel interview with DI Allan Jones, PNL000201001, p2, 04 March 2015.
41 Panel meeting with Alastair Morgan, p6, 23 February 2015.
42 Panel meeting with Alastair Morgan, p7, 23 February 2015.

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30. Alastair Morgan has told the Panel that he thinks former DS Fillery deliberately gave him the impression that he knew nothing about Belmont Car Auctions.[43] At the Inquest DI Jones, when asked, did not recall the meeting on 12 or 13 March 1987, to which Alastair Morgan had referred.[44] However, DS Malcolm Davidson confirmed to the Coroner during the Inquest that he had had an *'informal conversation'* with Alastair Morgan on 12 March 1987 with DS Fillery, but that DI Jones was not present.[45] Former DS Fillery described the meeting in response to questioning at the Inquest as a brief two or three minute conversation in which the Belmont Car Auctions robbery was not mentioned.[46] As there is no contemporaneous record of the Belmont Car Auctions issue being raised by Alastair Morgan before 1988, it has not been possible to verify the date and extent to which Alastair Morgan first communicated this to the Metropolitan Police (see Chapter 1, The Morgan One Investigation).

31. Members of Daniel Morgan's family have described to the Panel how, on 13 March 1987, Iris Morgan's brother-in-law received a telephone call which they were told was from a police officer urging the family to persuade Alastair Morgan to leave London.[47,48] Alastair Morgan later interpreted this to have been an attempt to prevent him from giving the police investigation further information about the Belmont Car Auctions robbery, and the related pending civil proceedings.[49] Alastair Morgan has told the Panel he believed that former DS Sidney Fillery was trying to contain suspicions connected to Belmont Car Auctions, because it would involve DC Alan Purvis and DC Peter Foley, two officers allegedly 'moonlighting' at Belmont Car Auctions.[50] Members of Daniel Morgan's family later reported this matter to the police, and Alastair Morgan testified about it at the Inquest.[51,52]

32. This phone call was important to members of Daniel Morgan's family and caused them a great deal of concern.[53,54] The Panel sought to interview Iris Morgan's brother-in-law, but was unable to contact him despite numerous attempts. Furthermore, the Panel has been unable to locate any evidence, within the available material, as to who made the call and what motivated it, and nor has the Panel found any evidence that the matter was investigated.

33. DCI Paul Blaker, Deputy Senior Investigating Officer of the Hampshire/Police Complaints Authority Investigation, later wrote that the '*Hampshire Enquiry was aware of the alleged phone call but it was not pursued, it being considered non material*'.[55]

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43 Panel meeting with Alastair Morgan, p6, 23 February 2015.
44 Transcript of Inquest into the death of Daniel Morgan, Inquest Day Six, INT000006001, p15, 18 April 1988.
45 Witness DS Malcolm Davidson, examined by the Coroner, Inquest Day Five, INT000005001, p23, 15 April 1988.
46 Transcript of Inquest into the death of Daniel Morgan, Inquest Day Six, INT000006001, p105, 18 April 1988.
47 Witness statement of Alastair Morgan, MPS001922001, p22, 16 May 2000.
48 Witness statement of Isobel Hülsmann, MPS001977001, p4, 26 May 2000.
49 Witness statement of Alastair Morgan, MPS001922001, p24, 16 May 2000.
50 Panel meeting with Alastair Morgan, p1, 15 April 2015.
51 Panel meeting with Iris Morgan, p2, 19 May 2015.
52 Transcript of Inquest into the death of Daniel Morgan, Inquest Day Five, INT000005001, pp24-31, 15 April 1988.
53 Panel meeting with Jane Morgan, p3, 16 November 2015.
54 Panel meeting with Alastair Morgan, pp17-18, 23 February 2015.
55 Letter from DCI Paul Blaker to D/Supt Colin Smith, MPS020684001, p7, 09 May 1995.

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34. The allegation by members of Daniel Morgan's family that a police officer had called the family and suggested that Alastair Morgan should leave London should have been fully investigated. Moreover, it was also relevant for the Hampshire/Police Complaints Authority Investigation, and it should have been investigated to establish whether a police officer was acting unprofessionally or criminally by attempting to obstruct the investigation of Daniel Morgan's murder.

3.3 News of the arrests of six people on 03 April 1987

35. On 03 April 1987, six people were arrested in connection with the murder of Daniel Morgan, three of whom were serving police officers.[56,57,58,59] The arrest of serving police officers for Daniel Morgan's murder caused great concern to members of his family. The family were not informed of the arrests by the police: Alastair Morgan found out about the arrests through a telephone call from a friend who had heard about them on the news. Isobel Hülsmann also saw a report of the arrests on the television news.[60,61,62] Their concern was increased by the fact that DS Sidney Fillery, one of the police officers arrested, had been involved during the early days of the murder investigation.[63]

36. These events affected the way in which members of Daniel Morgan's family perceived the police. Iris Morgan told the Panel that she had been brought up to respect the police, and had seen no reason not to, until her experience of them after Daniel Morgan's murder. Alastair Morgan has described his view of the police as *'smashed to bits'*[64] within three weeks. Isobel Hülsmann explained her view in a letter to the Prime Minister's Private Secretary on 21 April 1987:

> *'I had always held the police in great esteem and felt that the tasks set them were almost impossible in view of manpower shortage and the tremendous rise in crime of all types. To the great majority of their members my feelings remain the same. However, in view of the facts which have emerged from the Incident Room at Sydenham, press and television reports on the murder enquiry I am to say the least very disturbed to be informed that C.I.D officers and policemen were detained for some considerable time in connection with the murder and in fact were quoted as being "arrested". Three officers were subsequently released. A situation such as this quite naturally, I find exceedingly unnerving and makes me seriously doubt the integrity of the police.'*[65]

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56 Witness statement of D/Supt Douglas Campbell, MPS006082001, pp2-3, 24 May 1990.
57 Witness statement of DC Kinley Davies, MPS016925001, pp1-2, 09 April 1987.
58 Sylvia Jones and Georgina Walsh, 'Three Cops Quizzed Over Axe Murder', *Daily Mirror,* 4 April, MPS014827001, p69, 04 April 1987.
59 Message M545, MPS008172001, p1, 02 November 1987.
60 Witness statement of Alastair Morgan, MPS001922001, p24, 16 May 2000.
61 Panel meeting with Alastair Morgan, p9, 23 February 2015.
62 Morgan, A, and Jukes, P, 2017, *Untold: The Daniel Morgan murder exposed*, Blink Publishing, p56.
63 Policy file for the case of Daniel Morgan (Morgan One Investigation), MPS004821001, p4, 11 March 1987 to 07 February 1989.
64 Morgan, A, and Jukes, P, 2017, *Untold: The Daniel Morgan murder exposed*, Blink Publishing, p65.
65 Letter from Isobel Hülsmann to the Prime Minister's Private Secretary, MPS015324001, p42, 21 April 1987.

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37. It was not appropriate for members of Daniel Morgan's family to learn of the arrests of the police officers from the media. Notwithstanding the operational considerations and need for confidentiality, members of the family should have been informed by the Metropolitan Police immediately after the arrests had taken place in order to lessen the shock and worry that these arrests caused.

To have made no effort to inform members of Daniel Morgan's family of the arrests for the murder, including the arrest of police officers, was indefensible. When the individuals who had been arrested were released from custody without charge, Daniel Morgan's family should also have been informed by the police.

3.4 The media's portrayal of Daniel Morgan

38. During an episode of BBC One's *Crimewatch*, on 23 April 1987, a reconstruction and discussion of Daniel Morgan's murder was screened in a public appeal for information.[66] It was an important event for the investigation, but the portrayal of Daniel Morgan in the programme caused members of his family distress.[67,68] The family had not been consulted about the programme, nor were they aware of its content.

39. The profile of Daniel Morgan was physically inaccurate, and family members feared its depiction of his profession appeared unnecessarily '*seedy*'.[69,70] Only hours after the programme had been aired, a message was recorded by police from Isobel Hülsmann in which she said that she was *'disgusted'* at the portrayal of Daniel Morgan in *Crimewatch* as it was '*false and distasteful*' and that she would complain to the Prime Minister about the BBC.[71] Alastair Morgan also told the Panel how the family were upset by Daniel Morgan's portrayal in *Crimewatch.*[72] They could not understand why *Crimewatch* had not consulted anyone in the family about his life and interests.[73]

40. The portrayal of Daniel Morgan and the manner in which he conducted his business, on *Crimewatch* upset his family. Had the family of Daniel Morgan been consulted family consulted about the possible content of the *Crimewatch* programme, the portrayal of Daniel Morgan would have been more balanced and may have resulted in a better intelligence-gathering opportunity.

41. On the first anniversary of the murder, 10 March 1988, an article in the *Evening Standard* described Daniel Morgan as a '*sexual braggart with dozens of enemies*'.[74] Alastair Morgan recorded that the author of the article told him that the description of Daniel Morgan had been

66 Letter from BBC to D/Supt Douglas Campbell enclosing briefing notes, MPS011208001, pp9-10, 16 April 1987.
67 Panel meeting with Alastair Morgan, pp10-11, 23 February 2015.
68 Message 197, MPS083124001, p370, 24 April 1987.
69 Panel meeting with Alastair Morgan, p10, 23 February 2015.
70 Message M197, MPS083124001, p370, 24 April 1987.
71 Message M197, MPS083124001, p370, 24 April 1987.
72 Panel meeting with Alastair Morgan, pp10-11, 23 February 2015.
73 Morgan, A, and Jukes, P, 2017, *Untold: The Daniel Morgan murder exposed*, Blink Publishing, p58.
74 Peter Wilson, 'New bid to solve murder', *Evening Standard,* 10 March, MPS060785001, 10 March 1988.

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given to him by the police. Alastair Morgan had then called the incident room and spoken to DS Malcolm Davidson, who denied that the quote had come from the police.[75,76] The Panel has seen no corroborating evidence that the quote originated from the police.

3.5 The family's experience of the Inquest

42. The Inquest into the death of Daniel Morgan took place on Monday 11 April 1988, more than a year after his murder.[77] It was initially scheduled for June 1987 but was postponed several times. It appears, from D/Supt Douglas Campbell's report which informed the Coroner's conduct of the Inquest, that the Crown Prosecution Service hoped that the Inquest might generate further evidence.[78]

43. Iris Morgan has told the Panel that she did not feel well informed about what would happen at the Inquest.[79] In the months leading up to the Inquest, members of Daniel Morgan's family experienced a growing sense of frustration at what they perceived to be a lack of progress.[80,81]

44. Daniel Morgan's family were not warned about the evidence that the former bookkeeper for Southern Investigations, Kevin Lennon, was to give at the Inquest.[82,83] On the first day, Kevin Lennon testified that Jonathon Rees had persistently asked him to kill Daniel Morgan. He had refused to do so. Kevin Lennon also alleged that Jonathan Rees had told him that police officers from Catford Police Station would either be involved in the murder or would arrange it and that DS Sidney Fillery would retire from the police and join Jonathan Rees as a business partner. Kevin Lennon's evidence stunned Daniel Morgan's family and caused them great distress. It attracted a great deal of interest from the local and national media. By the time of the Inquest, DS Fillery had, indeed, resigned from the Metropolitan Police (see Chapter 2, The Inquest).

45. The failure to warn and inform members of Daniel Morgan's family of Kevin Lennon's testimony before they heard it at the Inquest indicated a lack of care, consideration and respect for the family. As with the arrests that had occurred in April 1987 (see paragraph 35), this testimony attracted significant public attention, which focused not only on the murder itself, but also on the integrity of the police because of the alleged possible involvement of police officers in the planning and execution of the murder. It was very wrong that no member of Daniel Morgan's family was given any warning before hearing Kevin Lennon's testimony in the Coroner's Court.

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75 Morgan, A, and Jukes. P, 2017, *Untold: The Daniel Morgan murder exposed*, Blink Publishing, p78.
76 Message M780, Telephone call from Alastair Morgan to DS Malcolm Davidson, MPS012840001, 10 March 1988.
77 Transcript of Inquest into the death of Daniel Morgan, Inquest Day One, INT000001001, p1, 11 April 1988.
78 Report by D/Supt Douglas Campbell, *'Murder of Daniel Morgan'*, MPS016005001, p1, 12 May 1988.
79 Panel meeting with Iris Morgan, p2, 19 May 2015.
80 Message M422, Telephone call from Alastair Morgan to DS Malcolm Davidson, MPS012482001, 06 August 1987.
81 Message M425, Telephone call from Alastair Morgan to a Detective Constable, MPS012485001, 11 August 1987.
82 Panel meeting with Iris Morgan, p2, 19 May 2015.
83 Report by Alastair Morgan, *'A report on police involvement in the murder of my brother Daniel Morgan and police activities designed to conceal this from the public'*, MPS020707001, p6, 29 July 1994.

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46. The Inquest finished on 25 April 1988,[84] and members of Daniel Morgan's family were left wondering what would happen next. Alastair Morgan described it as follows: '*The vacuum after the inquest was frightening. I'd never felt as exhausted physically and mentally as I did after those three weeks of hell*.'[85]

47. On 22 July 1988, it was agreed by the Metropolitan Police and Crown Prosecution Service that, as no fresh evidence had emerged, the likelihood of securing a conviction against Jonathan Rees for murder was '*extremely remote*', and therefore no prosecution would occur.[86] On 26 July 1988, DS Malcolm Davidson telephoned Alastair Morgan to advise him of the decision.[87] On the same day, Isobel Hülsmann telephoned DS Davidson to notify him that Alastair Morgan had informed her of the decision not to prosecute.[88] As was normal at the time, there was no formal letter from the Crown Prosecution Service to any member of the family of Daniel Morgan in relation to this decision. (See Chapter 1, The Morgan One Investigation.)

48. There were some positive interactions between the family and members of the police during the investigation, but there was also thoughtless treatment of members of Daniel Morgan's family by the police during the year following the murder. This, combined with an absence of progress in solving the murder, generated a lack of trust and confidence in the investigation among family members. This negatively affected the relationship between members of the family and the police in the years to follow.

4 The Hampshire/Police Complaints Authority Investigation and its report

49. On 12 May 1988, following the Inquest and subsequent press attention, Gabb & Co solicitors, acting on behalf of Isobel Hülsmann and Alastair Morgan, wrote to the Police Complaints Authority, stating that there were:

> *'certain matters of various public concern that appear to have surfaced as a result of the unlawful killing of Mr Daniel Morgan and we write on behalf of our Clients to make a formal complaint against the Metropolitan Police.'*[89]

50. The letter went on to say that their clients trusted:

> *'that the appropriate machinery for investigating this matter which our Clients would prefer to be undertaken by officers outside the Metropolitan Police Force could* […] *be put into operation.'*[90]

51. Roland Moyle, Deputy Chair of the Police Complaints Authority, wrote to DAC Peter Winship, Director of the Metropolitan Police Complaints Investigation Bureau (CIB), asking him to consider whether the contents of the letter from Gabb & Co should be registered as a

84 Transcript of Inquest into the death of Daniel Morgan, Inquest Day Eight, INT000008001, 25 April 1988.
85 Morgan, A, and Jukes, P, 2017, *Untold: The Daniel Morgan murder exposed*, Blink Publishing, p93.
86 Witness statement of D/Supt Douglas Campbell, MPS015272001, p46, 05 February 1991 (unsigned).
87 Message M913, Telephone call from DS Malcolm Davidson to Alastair Morgan, MPS012973001, 26 July 1988.
88 Message M914, Telephone call from Isobel Hülsmann to DS Malcolm Davidson, MPS012974001, 26 July 1988
89 Letter from Gabb & Co solicitors to the Police Complaints Authority, MPS030019001, 12 May 1988.
90 Letter from Gabb & Co solicitors to the Police Complaints Authority, MPS030019001, 12 May 1988.

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complaint.[91] On 30 May 1988, AC John Smith, DAC Peter Winship's line manager, decided that Hampshire Constabulary should be asked to investigate (see Chapter 3, The Hampshire/Police Complaints Authority Investigation).[92]

52. On 24 June 1988, Commander Kenneth Merton of the Metropolitan Police sent a memorandum to DCS Alan Wheeler of Hampshire Constabulary appointing him Senior Investigating Officer with the following Terms of Reference: '[t]*o investigate allegations that police were involved in the murder of Daniel MORGAN and any matters arising therefrom*'.[93]

53. During this period, there were four separate, concurrent police enquiries into issues related to or arising from the investigation of Daniel Morgan's murder. The Morgan One Investigation was still in progress, as was the Hampshire/Police Complaints Authority Investigation. DCS David Lamper of the Metropolitan Police was investigating complaints against the police relating to the investigation of the murder made by Jonathan Rees;[94] D/Supt Alec Button of the Metropolitan Police was investigating matters of alleged police wrongdoing relating to Belmont Car Auctions.[95]

4.1 Interaction between family members and the Hampshire/Police Complaints Authority Investigation

54. Alastair Morgan has recorded that he '*couldn't help feeling hopeful*' about this new independent enquiry by the Hampshire Constabulary which was supervised by the Police Complaints Authority.[96] At the outset, DCS Alan Wheeler told the family that they should contact the office at Fareham Police Station, where the investigation was based, with '*any information which may assist our enquiry*'. At a meeting on 26 August 1988, DCS Wheeler explained to Isobel Hülsmann and her solicitor, Glyn Maddocks, that he could not tell them '*lines of enquiry or the finer points of our investigation*'.[97]

55. The Hampshire/Police Complaints Authority Investigation sought to obtain information from members of Daniel Morgan's family, while members of the family were in turn trying to obtain information from the Hampshire/Police Complaints Authority Investigation. Both sides became frustrated when the information that they sought from each other was not forthcoming.

56. A Detective Sergeant wrote a short report on 29 September 1988, on the evidence previously provided by Alastair Morgan. He concluded, '[i]*n a nutshell, Alistair* [sic] *Morgan has plenty to say about the case, but little, if any, of it amounts to actual hard evidence*'.[98]

57. On 07 December 1988, DCI Paul Blaker made a note that Isobel Hülsmann was anxious due to a lack of information: '*Mrs Hulsman* [sic] *expressed her anxiety since she had wondered what was happening. Explained to her that enquiries were continuing but the detail of such enquiries must remain with the investigation team alone at this stage.*'[99] DCS Alan Wheeler then spoke with Isobel Hülsmann, who told him: '*I am concerned because I have heard nothing from you. I don't even know whether you are still working on Daniel's murder.*'[100]

91 Letter from Roland Moyle to DAC Peter Winship, MPS026448001, 18 May 1988.
92 Letter from AC John Smith to DAC Peter Winship, MPS030002001, p4, 30 May 1988.
93 Memorandum from Commander Kenneth Merton to D/Supt Alan Wheeler, HAM000168001, 24 June 1988.
94 This became the Report of DCS David Lamper, Complaint against Police, MPS005459001, 17 November 1988.
95 Report of D/Supt Alec Button, Complaint against Police, MPS038384001, pp 3-4, 07 October 1988.
96 Morgan, A, and Jukes, P, 2017, *Untold: The Daniel Morgan murder exposed*, Blink Publishing, p94.
97 Note of meeting between DCS Alan Wheeler, Isobel Hülsmann and Glyn Maddocks, MPS040016001, p1, 26 August 1988.
98 Report by a Detective Sergeant, MPS031812001, p2, 29 September 1988.
99 Message M461, Telephone call from DCI Paul Blaker and DCS Alan Wheeler to Isobel Hulsmann, MPS030416001, p1, 07 December 1988.
100 Message M461, Telephone call from DCI Paul Blaker and DCS Alan Wheeler to Isobel Hulsmann, MPS030416001, pp1-2, 07 December 1988.

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58. A Woman Police Constable took a note of her telephone conversation with Alastair Morgan on 13 December 1988, after he had called to speak to DCI Paul Blaker.[101] She recorded '[m]*uch ramblings*', the '*basis of which appears to be that he is concerned about the lack of communication between SIO/DSIO* [Senior Investigating Officer/Deputy Senior Investigating Officer] *and Mrs Hulsmann* [sic] *or her solicitor*'.[102]

59. According to files provided by Alastair Morgan and police notes, between July 1988 to September 1989, a period of 15 months, there were 17 meetings between the Hampshire/Police Complaints Authority Investigation and members of Daniel Morgan's family. Members of the family made 80 calls to the investigation team, while they received 24 calls from the team.[103]

60. Alastair Morgan told the Panel that, during this time, the Hampshire/Police Complaints Authority Investigation did not tell him anything. Although the Panel has seen records of contact between Alastair Morgan and members of the Hampshire/Police Complaints Authority Investigation,[104] Alastair Morgan has told the Panel that he felt as though they did not keep him sufficiently informed as he '*did not know anything about what Hampshire were doing*'.[105]

61. The fact that DCS Alan Wheeler had taken the decision to distance his investigation from members of Daniel Morgan's family contributed to the family's lack of confidence in the police investigation.

62. The extent to which information about a murder investigation can be shared with the family of a murder victim is limited by a significant number of factors, not least the need to preserve the integrity of the investigation for the purposes of any future prosecution. While the family had the right to bring to the attention of the police matters about which they had concerns and in respect of which they sought answers, and while DCS Alan Wheeler was entitled to preserve the integrity of his investigation, it would have been possible to have facilitated more constructive engagement. This would have helped to mitigate the levels of distrust which emerged as the investigation continued.

4.2 The arrests and charging of three people

63. On 31 January 1989, Jonathan Rees,[106] Paul Goodridge[107] and Jean Wisden[108] were arrested. Alastair Morgan found out about the arrests from the local television news just as he had heard of the six arrests on 03 April 1987.[109,110] He had understood the police to be investigating police officers in accordance with their terms of reference. The arrest of Jonathan Rees and others was completely unexpected.

101 Message M467, Telephone call from Alastair Morgan to a Woman Police Constable, MPS028840001, p1, 13 December 1988.
102 Message M467, Telephone call from Alastair Morgan to a Woman Police Constable, MPS028840001, p1, 13 December 1988.
103 Analysis of police documentation and files provided by members of Daniel Morgan's family.
104 Witness statement of Alastair Morgan, MPS001922001, pp35-36, 16 May 2000.
105 Panel Meeting with Alastair Morgan, pp4-5, 15 April 2015.
106 Custody record for Jonathan Rees, HAM000307001, p2, 31 January 1989.
107 Custody record for Paul Goodridge, HAM000302001, p3, 31 January 1989.
108 Charge sheet for Jean Wisden, MPS021624001, 02 February 1989.
109 Morgan, A, and Jukes. P, 2017, *Untold: The Daniel Morgan murder exposed*, Blink Publishing, p96.
110 Morgan, A, and Jukes, P, 2017, *Untold: The Daniel Morgan murder exposed*, Blink Publishing, p56.

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64. On 02 February 1989, Jonathan Rees[111] and Paul Goodridge[112] were charged with the murder of Daniel Morgan, and Jean Wisden[113] with doing an act tending and intended to pervert the course of justice, but members of Daniel Morgan's family were not told immediately after the event. The solicitor for Isobel Hülsmann and her family, was told of the charges a day later, on 03 February 1989.[114]

65. Following the arrests and charging of the suspects, Alastair Morgan made further attempts to discuss the case with the investigation team.[115] In a call on 06 March 1989, DCI Paul Blaker told Alastair Morgan that he could not discuss the case with him because he was a '*prosecution witness*'. A message noting the call described a '[l]*engthy conversation*' in which Alastair Morgan:

> *'stated he was preparing a brief for Richard Livesay* [sic] *MP and he would continue to pursue matters to bitter end, no matter what.*
>
> *'DCI: told him he was a prosecution witness and matters could not be discussed. Rees being on bail. Police governed by rules of evidence. Enquiry not yet complete.'*[116]

66. The subsequent decision by the Director of Public Prosecutions to discontinue the proceedings against Jonathan Rees, Paul Goodridge and Jean Wisden was communicated by telephone to Isobel Hülsmann and Iris Morgan on 10 May 1989, the day before the relevant Magistrates' Court hearing.[117] Iris Morgan was recorded as being '*clearly upset*' but agreed to DCI Paul Blaker's suggestion that he would '*attend court on 1105 and then drive to her home and tell her of the decision personally*'.[118]

67. As agreed, on 11 May 1989, after the court hearing at which the proceedings were discontinued, DCI Paul Blaker and DI Rex Carpenter visited Iris Morgan at her home address to inform her of the reasons behind the Director of Public Prosecutions' decision to discontinue proceedings.[119]

68. In a record of this meeting, dated 12 May 1989, DI Rex Carpenter noted that Iris Morgan said to them that '*her initial reaction to the news of the decision was one of anger and hostility*'.[120] DCI Paul Blaker explained the decision '*in some depth*', and also told her that '*the police did not agree*' with the Director of Public Prosecutions' decision, but had to accept it. Iris Morgan was recorded as being '*thankful for all the hard work the police had done*'.[121] DCI Paul Blaker also discussed the possibility of a private prosecution against Jonathan Rees by members of Daniel Morgan's family. The note of their meeting read: '*Mr Blaker also mentioned that the Hulsmans* [sic] *and Alistair* [sic] *Morgan were considering taking out a private*

111 Charge sheet for Jonathan Rees, MPS033010001, 02 February 1989.
112 Charge sheet for Paul Goodridge, MPS021442001, 02 February 1989.
113 Charge sheet for Jean Wisden, MPS021624001, 02 February 1989.
114 Message M565, MPS028742001, 02 February 1989.
115 Message M707, Telephone call from DCI Paul Blaker to Alastair Morgan, MPS029014001, p1, 02 March 1989.
116 Message M707, Telephone call from DCI Paul Blaker to Alastair Morgan, MPS029014001, p1, 02 March 1989.
117 Message M859, Telephone call from DCS Alan Wheeler to Isobel Hülsmann, MPS029221001, 10 May 1989.
118 Message M858, Telephone call from DCI Paul Blaker to Iris Morgan, MPS029222001, 10 May 1989.
119 Note of meeting between DI Rex Carpenter, DCI Paul Blaker and Iris Morgan, MPS039698001, 11 May 1989, pp1-2.
120 Note of meeting between DI Rex Carpenter, DCI Paul Blaker and Iris Morgan, MPS039698001, p1, 12 May 1989.
121 Note of meeting between DI Rex Carpenter, DCI Paul Blaker and Iris Morgan, MPS039698001, p3, 12 May 1989.

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prosecution against Rees. Mrs [Iris] *Morgan then became very tearful and said that she didn't think she could be put through that ordeal.*'[122] However, later that month, Iris Morgan did express an interest in pursuing a private prosecution but found the likely costs to be prohibitively high.[123]

69. Alastair Morgan's concerns that he did not know what was happening were correct – for example, the arrests or that Hampshire Constabulary had acted further to their Terms of Reference – and he should have been informed that the investigation had widened to incorporate matters other than police involvement in the murder.

4.3 Concerns about the effectiveness of the Hampshire/Police Complaints Authority Investigation

70. In a letter to Roland Moyle, Deputy Chair of the Police Complaints Authority: Alastair Morgan expressed the view, shared by his mother, that DS Sidney Fillery's role in the Morgan One Investigation had never been satisfactorily investigated or explained.[124]

> *'We believe that there is overwhelming evidence supporting our suspicions that Det. Sergeant Sidney Fillery, a member of the murder squad who originally investigated Daniel's killing, actually conspired with those recently charged to murder my brother, and that after the killing he actively perverted the course of the inquiry* [….] *I have spoken to D.C.I. Blaker of Hampshire concerning this issue and have received the repeated answer that "they do not have enough evidence to charge Fillery." I myself, my mother, and our solicitor find this utterly incomprehensible even outrageous* […]. *'*[125]

71. DS Sidney Fillery's role was examined by the Hampshire/Police Complaints Authority Investigation. In his report to the Police Complaints Authority dated 04 September 1989, DCS Alan Wheeler acknowledged that DS Fillery's close association with Jonathan Rees compromised his '*professional policemanship*', and that the statement DS Fillery had taken from Jonathan Rees on 11 March 1987 was '*not acceptable*'.[126] However, DCS Alan Wheeler concluded that this was '*not sufficient to show Fillery deliberately assisted Jonathan Rees*'.[127]

72. The report by DCS Alan Wheeler did not address the issue of the Belmont Car Auctions file allegedly taken by DS Sidney Fillery on 11 March 1987 (see Chapter 1, The Morgan One Investigation). Alastair Morgan had raised this issue in his statement to DCI Earnest Anderson who was involved in the investigation of alleged police wrongdoing relating to Belmont Car Auctions,[128] on 05 May 1988.[129]

122 Note of meeting between DI Rex Carpenter, DCI Paul Blaker and Iris Morgan, MPS039698001, p2, 12 May 1989.
123 Note of meeting between DI Rex Carpenter, DCI Paul Blaker and Iris Morgan, MPS022747001, p2, 31 May 1989.
124 Letter from Alastair Morgan to Roland Moyle, PNL000127001, p1, undated.
125 Letter from Alastair Morgan to Roland Moyle, PNL000127001, pp1-2, undated.
126 Report of DCS Alan Wheeler to the Police Complains Authority, MPS020651001, p21, 04 September 1989.
127 Report of DCS Alan Wheeler to the Police Complaints Authority, MPS020651001, p21, para 344(k), 04 September 1989.
128 Report of D/Supt Alec Button, Complaint against Police, MPS038384001, pp 3-4, 07 October 1988.
129 Witness statement of Alastair Morgan, MPS026450001, pp1-2, 05 May 1988.

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73. DCS Alan Wheeler's report also did not address the phone call urging the family to persuade Alastair Morgan to leave London, despite members of Daniel Morgan's family raising specific concerns about it.[130,131] Iris Morgan had asked members of the Hampshire/Police Complaints Authority Investigation in May 1989 why she had been called by '*the murder squad*' asking her to '*come and get Alastair because he was being a nuisance to the investigation*'.[132]

74. Following the Hampshire/Police Complaints Authority Investigation, in March 1990, Alastair Morgan expressed concern that the problem of police corruption, and alleged police involvement in his brother's murder, had not been adequately investigated.[133] On 27 March 1990, the Police Complaints Authority wrote to Alastair Morgan informing him that '[t]*he extensive and very thorough enquiry carried out by the Investigating Officer from the Hampshire Constabulary has revealed no evidence of involvement by any police officer in the murder of your brother*'.[134] On 28 March 1990, Alastair Morgan replied to the Police Complaints Authority raising a number of points relating to former DS Sidney Fillery, concluding that '[m]*y family and I have, in view of developments lost all hope of seeing fair play done by the police, and like many other cases had to resort to the media as a last ditch attempt at having the truth brought out*'.[135]

75. Alastair Morgan and the Police Complaints Authority continued to correspond. Alastair Morgan wrote on 01 April 1990 informing the Police Complaints Authority that:

> *'my mother and I are less than pleased with the final outcome of all that has taken place. As far as we can see the result of it all has been absolutely nothing. Over the past three years we have observed with increasing concern the ineffectuality of police investigations into police malpractice. We don't think this is ever going to work.'*[136]

76. Alastair Morgan had complained about police corruption in relation to the murder itself and the possible role of DS Sidney Fillery in undermining the Morgan One Investigation. Given the Terms of Reference of the Hampshire/Police Complaints Authority Investigation, the family's expectation was that it would focus on the possible role of DS Fillery and other officers in the murder of Daniel Morgan. The members of Daniel Morgan's family were not informed of DCS Alan Wheeler's change of focus in his investigation in November/December 1988. They subsequently became aware that the focus of the investigation had changed but could not find out what was happening. Understandably, this compounded their suspicions that the police would not investigate their allegations properly.

4.4 Family access to the investigation report

77. Isobel Hülsmann had asked DCS Alan Wheeler whether they would be informed of the outcome of the Hampshire/Police Complaints Authority Investigation,[137] to which DCS Alan Wheeler replied:

130 Witness Statement of Isobel Hülsmann, MPS001977001, pp4-5, 26 May 2000.
131 Panel meeting with Alastair Morgan, p13, 15 April 2015.
132 Note of meeting between DI Rex Carpenter, DCI Paul Blaker and Iris Morgan, MPS022747001, p2, 31 May 1989.
133 Letter from Alastair Morgan to the Police Complaints Authority, PNL000133001, p2, 28 March 1990.
134 Letter from the Police Complaints Authority to Alastair Morgan, PNL000099001, pp284-285, 27 March 1990.
135 Letter from Alastair Morgan to the Police Complaints Authority, PNL000133001, p2, 28 March 1990.
136 Letter from Alastair Morgan to the Police Complaints Authority, PNL000134001, 01 April 1990.
137 Note of meeting between DCS Alan Wheeler, Isobel Hülsmann and Glyn Maddocks, MPS040016001, p1, 26 August 1988.

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> *'I explained that I would not be in a position to do so. But it may be that* [the solicitor] *will be told by the Police Complaints Authority. I also explained that if he had any queries then they should be routed to Mr Roland Moyle of the PCA* [Police Complaints Authority] [...]*.'*[138]

78. On 04 September 1989, DCS Alan Wheeler provided his final report to the Police Complaints Authority.[139] Some members of Daniel Morgan's family had assumed that they would have access to the report as well as details of any decision in relation to '*the officer or officers to whom* [the family's] *complaint was directed*'.[140]

79. The letter from solicitor acting for Isobel Hülsmann and her family to the Police Complaints Authority illustrated clearly why his clients were dissatisfied and confused. They had made a complaint. The matter had not been discussed further with them. An investigation had ensued. It was not in fact an investigation of their complaint, but they were unaware of the fact. The Terms of Reference for the investigation had indicated that it was an investigation into police involvement in the murder, but they could see no evidence of any such investigation. The relationship between the family and the police was at a very low ebb as a consequence of this situation. This could have been avoided through more precise and fulsome communication with the family.

80. On 27 March 1990, the Police Complaints Authority wrote to Gabb & Co Solicitors explaining that they were unable to supply them or their clients, with a copy of the Hampshire/ Police Complaints Authority Investigation report because it was protected by public interest immunity.[141] The explanation was as follows:

> *'With regard to the report itself, I should point out that reports and statements made for the purpose of Part IX of the Police and Criminal Evidence Act 1984 are protected by public interest immunity which cannot be waived by either the Authority or the police. In addition, under Section 98 of the Act it is made a criminal offence for a member, officer of servant of this Authority to disclose such information except in very limited circumstances. For this reason I am afraid that I am unable to supply you or your clients with a copy of the report of the investigation.'*[142]

81. It is regrettable that the Police Complaints Authority had not explained at an earlier juncture that there was no automatic right to have access to the report of the Hampshire/ Police Complaints Authority Investigation.

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138 Note of meeting between DCS Alan Wheeler, Isobel Hülsmann and Glyn Maddocks, MPS040016001, p1, 26 August 1988.
139 Report of DCS Alan Wheeler to the Police Complaints Authority, MPS020651001, 04 September 1989.
140 Letter from Gabb & Co Solicitors to the Police Complaints Authority, MPS039301001, p2, 06 March 1990.
141 Letter from Police Complaints Authority to Gabb & Co Solicitors, MPS039301001, p3, 27 March 1990.
142 Letter from Police Complaints Authority to Gabb & Co Solicitors, MPS039301001, p3, 27 March 1990.

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5 Campaigning for further investigation, the 1996 Review, Operation Nigeria/Two Bridges and the 2000 Murder Review

82. By 1989 there had been two investigations into Daniel Morgan's murder. During the decade which followed members of his family campaigned for further investigation.

83. On 29 July 1994, Alastair Morgan produced a report, entitled '*A report on police involvement in the murder of my brother Daniel Morgan and police activities designed to conceal this from the public*'.[143] This set out Alastair Morgan's understanding of the case history, as well as his interpretation of the evidence of police involvement in the murder. In his concluding paragraphs, he wrote:

> *'I want the case into my brother's murder to be re-opened. I know that neither inquiry was serious in its intention to bring my brother's murderers to justice whatever the police or PCA* [Police Complaints Authority] *say. I shall not rest until this has been done."*[144]

84. Chris Smith MP forwarded Alastair Morgan's report to the Home Secretary, Michael Howard MP,[145] and the Metropolitan Police.[146]

85. In October 1994, Alastair Morgan attended a meeting with a Detective Inspector and a Detective Constable.[147] The Detective Constable's subsequent report of the meeting provided a detailed account of Alastair Morgan's concerns at that time. It concluded:

> *'MORGAN strongly feels that police officers were involved in the conspiracy to murder his brother and that police officers conspired to pervert the course of justice ensuring that his brother's murderers would never be brought to trial."*[148]

86. In November 1994, Isobel Hülsmann wrote to the Commissioner of the Metropolitan Police, Sir Paul Condon, and again in January 1995, in an attempt to achieve further interest in her son's murder.[149] In her letter of January 1995, she wrote:

> *'My sole aim in writing to you personally as Commissioner was that you would attempt to attend to this grievous case at top level and in particular with an urgent view that the case be re-examined* [...]*."*[150]

87. Three weeks later, a memorandum from A/DCS Roger Gaspar was sent to Commander Ian Quinn of the Metropolitan Police Complaints Investigation Bureau, setting out three options for responding to the requests made by Isobel Hülsmann.[151] He wrote:

> *'There seem to be three possible ways forward:*

143 Report by Alastair Morgan, *'A report on police involvement in the murder of my brother Daniel Morgan and police activities designed to conceal this from the public'*, MPS020707001, 29 July 1994.
144 Report by Alastair Morgan, *'A report on police involvement in the murder of my brother Daniel Morgan and police activities designed to conceal this from the public'*, MPS020707001, p10, 29 July 1994.
145 Letter from Chris Smith MP to the Home Secretary, MPS020706001, 11 August 1994.
146 Letter from Chris Smith MP to Commissioner Sir Paul Condon, MPS020703001, 19 October 1994.
147 Meeting with Alastair Morgan, MPS020716001, p1 11 October 1994.
148 Meeting with Alastair Morgan, MPS020716001, p5, 11 October 1994.
149 Letter from Isobel Hülsmann to Commissioner Sir Paul Condon, MPS062336001, p4, 18 November 1994.
150 Letter from Isobel Hülsmann to Commissioner Sir Paul Condon, MPS062338001, p4, 05 January 1995.
151 Memorandum from A/DCS Roger Gaspar to Commander Ian Quinn, MPS022188001, 26 January 1995.

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- *Respond to Mrs Hulsmann* [sic] *that her letter raises no new information or evidence upon which a fresh enquiry should be commenced;*
- *Scan the two sets of case papers* [original murder investigation papers and the Hampshire papers] *to see whether there are viable lines of enquiry, based upon what is now being said; or*
- *Conduct a major review of all the evidence in both enquiries.'*[152]

88. There is no record among the papers available to the Panel of any decision made on this issue. However, two months later, on 16 March 1995, D/Supt Colin Smith wrote to DCI Paul Blaker, the Deputy Senior Investigating Officer on the Hampshire/Police Complaints Authority Investigation, asking that he review copies of the correspondence with members of Daniel Morgan's family and provide a written response.[153] DCI Paul Blaker responded two months later, on 09 May 1995:

> *'Throughout the course of the Hampshire Enquiry, Alistair* [sic] *Rodric MORGAN, the brother of the deceased, kept in contact with the incident room and there were numerous conversations between Mr WHEELER and myself with him. He constantly sought reassurance that all issues he raised were being actively pursued and would/could not accept that much of what he said was not evidential, was speculative, was uncorroborated and could not evidentially advance the enquiry.*
>
> *'His stance throughout our enquiry was that there was malpractice within the Metropolitan Police, that the actions of Detective Sergeant FILLERY in particular were pivotal to any successful prosecution and that the intelligence/supposition he imparted would be of evidential value. He could not be dissuaded from that view.*
>
> *'His intimate knowledge of the Hampshire investigation was extremely limited and whilst he was privy to the generality of the progress, he was not made aware of it in detail.*
>
> *'One of the reasons for not allowing him to be privileged to detail is that he was considered what could best be described as a "loose cannon" and as such could possibly compromise the investigation.*
>
> *'Alistair* [sic] *MORGAN I confidently believe will not be satisfied by any explanation other than that which he wishes to hear and will go to any lengths to enlist help to further his belief.'*[154]

89. DCI Paul Blaker concluded that the correspondence from members of Daniel Morgan's family contained '*no evidence or information which was not available during the course of the Hampshire Constabulary investigation*', and '*there appears to be no information which indicates any fresh line of enquiry into the murder of Daniel MORGAN*'.[155]

90. Two weeks later, on 22 May 1995, Commander Ian Quinn wrote to Isobel Hülsmann in the following terms:

152 Memorandum from A/DCS Roger Gaspar to Commander Ian Quinn, MPS022188001, pp4-5, 26 January 1995.
153 Letter from D/Supt Colin Smith to DCI Paul Blaker, MPS060689001, p3, 16 March 1995.
154 Letter from DCI Paul Blaker to D/Supt Colin Smith, MPS062325001, p2, 09 May 1995.
155 Letter from DCI Paul Blaker to D/Supt Colin Smith, MPS062325001, pp7-8, 09 May 1995.

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> *'I have to say that an exhaustive review of the investigations, conducted in* [sic] *Daniel's tragic death, show that all matters now raised have been properly considered and dealt with. The two major enquiries that have taken place, the second by an outside Constabulary supervised by the independent Police Complaints Authority, were as thorough as is possible.'*[156]

In November 2020, former Commander Ian Quinn told the Panel that the review included a consideration of the papers in the Morgan One and Hampshire/Police Complaints Authority Investigations, in order to establish whether the concerns expressed by members of Daniel Morgan's family in their letter of 05 January 1995 were '*viable*'.

91. The claim that '*an exhaustive review of the investigations*' was conducted refers to the exchange of letters between D/Supt Colin Smith and DCI Paul Blaker. This did not constitute '*an exhaustive review*'. Commander Ian Quinn's assertion that the '*two major enquiries that have taken place, the second by an outside Constabulary supervised by the independent Police Complaints Authority*', were '*as thorough as is possible*' is not supported by the facts. Neither investigation was as thorough as possible, and the Hampshire /Police Complaints Authority Investigation was not independent.

5.1 The 1996 Review

92. Alastair Morgan wrote to Commander Ian Quinn on 21 November 1995 expressing his dissatisfaction.[157] Two meetings occurred between Alastair Morgan and Commander Quinn, and Alastair Morgan was informed by him that the Morgan One and Hampshire/Police Complaints Authority investigations were being re-examined to see if there were *'any avenues worth pursuing'*.[158]

93. The re-examination was conducted by Inspector Geoffrey Pierce, Commander Quinn's staff officer, and appears to have concluded by 11 April 1996.[159] The re-examination report identified one avenue of enquiry relating to former Police Officer Z31 (see Hampshire/Police Complaints Authority Investigation).[160] This was investigated but no further action was recommended.[161] Commander Quinn wrote to Alastair Morgan on 22 May 1996 informing him that there were '*no further avenues of enquiry open*'.[162] The letter concluded that Commander William Griffiths would assume responsibility for the case, but that he would not be able to '*take the case any further in the absence of new information*'.[163]

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156 Letter from Commander Ian Quinn to Isobel Hülsmann, MPS020683001, p1, 22 May 1995.
157 Letter from Alastair Morgan to Commander Ian Quinn, MPS020681001, 21 November 1995.
158 Branch note by Inspector Geoffrey Pierce, MPS020677001, 21 March 1996.
159 Briefing note re 4 area crime OCU confidential inquiry, MPS040114001, p1, 11 April 1996.
160 Report by DCI Thomas Smith, MPS007382001, 8 May 1996.
161 Report by DCI Thomas Smith, MPS007382001, p11, 8 May 1996.
162 Letter from Commander Ian Quinn to Alastair Morgan, MPS040052001, p1, 22 May 1996.
163 Letter from Commander Ian Quinn to Alastair Morgan, MPS040052001, p1, 22 May 1996.

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5.2 From 1997 to 2000, Operation Nigeria/Two Bridges

5.2.1 DAC Roy Clark's briefing note to Commissioner Sir Paul Condon

94. Alastair Morgan continued to seek answers, and a meeting was arranged between Alastair Morgan and his Member of Parliament, Chris Smith, and DAC Roy Clark and the Commissioner, Sir Paul Condon, to discuss the Metropolitan Police's handling of the investigation into Daniel Morgan's murder.[164] A briefing note for the Commissioner was produced by DAC Roy Clark, on 28 October 1997. It stated:[165]

> *'He* [Alastair Morgan] *wishes to discuss police failure to identify the person/people responsible for the murder of his brother – Daniel MORGAN – in 1987. The meeting will be difficult. Alistair* [sic] *MORGAN is obsessed with the thought that police officers were either directly responsible for his brother's murder, were aware it was to happen or responsible for a cover up. I have spoken to him on a number of occasions in recent weeks and consider he is exhibiting signs of paranoia.*
>
> *'He makes it absolutely clear that he has no regard whatsoever for the Police Service and the Metropolitan Police in particular. He has spoken to a number of senior officers over the years and will imply that since they have failed to solve his brother's murder they in turn must be part of the cover up.*
>
> *'There can be little doubt that he will quickly make the content of your meeting public and every possibility that he may covertly tape record the proceedings.'*[166]

95. The briefing note also referenced Alastair Morgan's report (see paragraph 83 above), which DAC Roy Clark described as '*a document in which all* [Alastair Morgan's] *bitterness at every and anybody who has not seen things his way becomes apparent*'.[167] The briefing note made no attempt to engage with the information and concerns put forward in Alastair Morgan's report.

96. The briefing note concluded with the following recommendation:

> *'Whilst the meeting with Alistair* [sic] *MORGAN will need careful handling I feel we have no option but to indicate there is no possibility of progressing this case in the absence of new evidence. Obviously if new lines of enquiry become known they will be rigorously pursued.'*[168]

97. The following day, Alastair Morgan telephoned DAC Roy Clark and '*asked if there was evidence his brother was murdered because he was about to reveal police corruption*'.[169] DAC Clark replied that, from his knowledge of the papers, there was '*no evidence or indication that Daniel MORGAN was murdered because he was about to reveal police corruption*'.[170] DAC Clark also noted that Daniel Morgan '*must have been aware that his company "Southern Investigations" had been profiting from the services of a small number of police officers contrary to their duty',* but that although '*these matters amounted to discipline offences under the Police Discipline Regulations they do not amount to corruption*'.[171]

164 Briefing note by DAC Roy Clark, MPS046679001, p52, 25 June 1998.
165 Briefing note by DAC Roy Clark, MPS046679001, pp73-80, 28 October 1997.
166 Briefing note by DAC Roy Clark, MPS046679001, p73, 28 October 1997.
167 Briefing note by DAC Roy Clark, MPS046679001, p79, 28 October 1997.
168 Briefing note by DAC Roy Clark, MPS046679001, p80, 28 October 1997.
169 Witness statement of DAC Roy Clark, MPS054304001, pp2, 30 October 1997
170 Witness statement of DAC Roy Clark, MPS054304001, pp2, 30 October 1997
171 Witness statement of DAC Roy Clark, MPS054304001, pp2-3, 30 October 1997.

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98. At the meeting attended by the Commissioner, DAC Roy Clark, Chris Smith MP and Alastair Morgan on 07 November 1997, it was agreed by the Commissioner that that '*senior officers would "review" the case*'.[172]

5.2.2 Briefing for the Parliamentary Under-Secretary of State at the Home Office

99. Eighteen months later in May 1999, Alastair Morgan wrote to Kate Hoey MP, Parliamentary Under-Secretary of State at the Home Office, telling her that he was '*quite certain*',

> *'a) that there was police involvement in the murder*
>
> *b) that police efforts to catch my brother's killers were inadequate*
>
> *c) that information I have had about the activities of the suspects before and after the murder was systematically suppressed by two investigating squads (primarily because it incriminated a Met Detective Sergeant).'*[173]

100. In his letter, Alastair Morgan noted that despite Commissioner Sir Paul Condon's agreement that the case would be reviewed, no effort had been made by police to take a statement from him until February 1999 following an intervention by Chris Smith MP.[174]

101. Alastair Morgan's letter also stated that he had received a death threat and claimed that his request to the Metropolitan Police for '*minimum security steps*' had '*received no response whatsoever*'.[175] In fact, the Metropolitan Police had responded to concerns raised by Alastair Morgan about incidents which occurred in 1996 and 1999. An offer of security measures was subsequently declined by Alastair Morgan on 10 May 2000.

102. In Alastair Morgan's expressed view, '*DAC Roy Clark's behaviour throughout has been scandalously negligent and irresponsible*'.[176]

> 103. This comment does not reflect fairly the work done by DAC Roy Clark in the matter of the investigation of the murder of Daniel Morgan.

104. DAC Roy Clark then wrote a briefing note, dated 11 May 1999, '*to assist Rt Hon Kate HOEY MP respond to a letter from Alistair* [sic] *MORGAN*'.[177] The briefing note did not address a number of issues raised by Alastair Morgan in his letter (as set out above). Further, the briefing note concluded:

> *'It is appropriate to indicate that Alistair* [sic] *MORGAN has a long history of vilifying those with whom he comes into contact during his (understandable) campaign to keep the investigation of his brother's murder alive. For example of his former MP he wrote "...whom I regard as unspeakably arrogant, self interested and corrupt". The relevance*

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172 Letter from Alastair Morgan to Kate Hoey MP, MPS071715001, p1, 04 May 1999.
173 Letter from Alastair Morgan to Kate Hoey MP, MPS071715001, p1, 04 May 1999.
174 Letter from Alastair Morgan to Kate Hoey MP, MPS071715001, p1, 04 May 1999.
175 Letter from Alastair Morgan to Kate Hoey MP, MPS071715001, p2, 04 May 1999.
176 Letter from Alastair Morgan to Kate Hoey MP, MPS071715001, p2, 04 May 1999.
177 Update Note to the Metropolitan Police Committee Secretariat from DAC Roy Clark, MPS071712001, p1, 11 May 1999.

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> *of including this fact is that he regards it as a legitimate tactic and all with whom he comes into contact can expect to be denigrated in due course.'*[178]

105. The briefing note did sympathise with members of Daniel Morgan's family at points. It noted that Alastair Morgan had '*rightly and understandably kept up a campaign to ensure everything is done to bring the murderers to justice*'.[179] It also noted that while an enquiry had concluded that DS Sidney Fillery had committed disciplinary offences in relation to the Belmont Car Auctions matter, no proceedings could be brought against him as he was no longer a police officer.[180] The briefing note stated that '[i]t *is clear the effect this must have had upon Alistair* [sic] *MORGAN and his family*'.[181]

106. The briefing note further stated that a '*decision not to take Mr MORGAN into full confidence on some matters was taken as he is in regular contact with journalists and may reveal the secret detail in error*'.[182] Initial enquiries were made to inform the Minister, Kate Hoey MP, but she was moved from the Home Office and there is no evidence that anything further occurred.

5.2.3 02 July 1999: The article in the Daily Telegraph

107. On 02 July 1999, members of Daniel Morgan's family were shocked and distressed to see an article in the *Daily Telegraph* concerning the murder. The Metropolitan Police had placed a 'trigger' article in the *Daily Telegraph* to assist in an intelligence-gathering exercise. The article began:

> *'One of the most perplexing unsolved murder inquiries to face the Metropolitan Police — the axe murder 12 years ago of a private detective — has been re-opened following the emergence of what the force describes as "crucial" new information. Daniel Morgan, 37, was bludgeoned to death with an axe in a pub car park on March 10, 1987. The Daily Telegraph understands that the new information concerns the hiding and disposal of the getaway car.'*[183]

108. Members of the family had not been informed prior to the article's publication. While they had been told by Commander Ian Quinn that '*no unsolved murder is ever closed*',[184] they had not been informed of new evidence from Person F11 which had prompted the article, nor had they been told of the ongoing and covert Operation Nigeria/Two Bridges.

109. Alastair Morgan has expressed strong dissatisfaction that he was not informed of the covert operation either in advance of its commencement or prior to the publication of the *Daily Telegraph* article.[185] When the existence of Operation Nigeria/Two Bridges was made known to the family as a consequence of the newspaper article, they were informed that it was a covert investigation into Daniel Morgan's murder. However, this was not the case. Ongoing anti-corruption activities by the Metropolitan Police had resulted in intelligence indicating corrupt associations between Jonathan Rees and former DS Sidney Fillery and serving and former police officers and criminals. Southern Investigations/Law & Commercial then became the

178 Update Note to the Metropolitan Police Committee Secretariat from DAC Roy Clark, MPS071712001, p2, 11 May 1999.
179 Update Note to the Metropolitan Police Committee Secretariat from DAC Roy Clark, MPS071712001, p1, 11 May 1999.
180 Update Note to the Metropolitan Police Committee Secretariat from DAC Roy Clark, MPS071712001, p1, 11 May 1999.
181 Update Note to the Metropolitan Police Committee Secretariat from DAC Roy Clark, MPS071712001, p1, 11 May 1999.
182 Update Note to the Metropolitan Police Committee Secretariat from DAC Roy Clark, MPS071712001, p2, 11 May 1999.
183 John Steele, 'Car clue to 12-year-old axe death mystery', *Daily Telegraph*, MPS040636001, p2, 02 July 1999.
184 Letter from Commander Ian Quinn to Alastair Morgan, MPS040052001, p1, 22 May 1996.
185 Morgan, A, and Jukes, P, 2017, *Untold: The Daniel Morgan murder exposed*, Blink Publishing, p213.covert

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subject of Operation Nigeria/Two Bridges, the purpose of which was to gather intelligence about those corrupt associations, and it was also hoped, in the process, to secure further information which might assist a further investigation of the murder of Daniel Morgan.

110. The covert nature of Operation Two Bridges was a proper factor for the Metropolitan Police to consider when deciding whether and when to brief members of Daniel Morgan's family. The Panel makes no criticism of the decision not to inform the family of the operation's initiation. However, the family should have been briefed before the article appeared in the *Daily Telegraph,* so that the important new information which it contained did not come as a shock to them. They should also have been informed of the true nature of Operation Nigeria /Two Bridges – that it was an intelligence gathering exercise, not an investigation into the murder of Daniel Morgan.

111. Following publication of the *Daily Telegraph* article, at the request of the family, a briefing meeting was arranged for 15 July 1999.[186] In the event, because of confusion as to dates, Alastair Morgan, who was to have attended was not present, and the meeting took place between his solicitor and DAC Clark. A note of the meeting taken by the police read as follows:

> *'DAC Clark said we had* […] *now gained what we believed to be a true picture of what happened the night that Daniel Morgan was murdered. He stated I believe we have identified the man who used the Axe in the murder of Daniel Morgan. We believe we can also say who else was there. The murder appears to have arisen from a serious fallout between Daniel Morgan and Jonathan REES over business matters. One being the Belmont Car Auction incident but other matters as well.*
>
> *'As Daniel Morgan left the Pub associates of REES were waiting in the car park* [and] *one of them struck Daniel Morgan with an axe. This man left the scene in a getaway car driven by another man.* [The] *getaway car was left in a garage for some time to conceal it. After some time the car was destroyed. We now have information about the people who dealt with the car. This is not evidence at the moment but credible intelligence.'*[187]

112. The role of the police was also discussed:

> *'DAC Clark states that the information available at this time indicates that no police officers appear to have been involved or on the fringes of this crime. There is also no evidence that FILLERY gave information to REES when he was on the squad investigating the murder although the possibility cannot be discounted.'* [188]

113. A further comment made in the meeting was recorded as follows:

> *'DAC Clark explained that although Alastair Morgan would not agree, his assessment of the original MPS* [Metropolitan Police Service] *investigation was that it was good. It had showed a motive for REES and other circumstantial evidence. He felt the investigation was honest and thorough but perhaps not innovative.'*[189]

186 Note of meeting between DAC Roy Clark and Raju Bhatt MPS054182001, p1, 15 July 1999.
187 Note of meeting between DAC Roy Clark and Raju Bhatt, MPS054182001, p1, 15 July 1999.
188 Note of meeting between DAC Roy Clark and Raju Bhatt, MPS054182001, p1, 15 July 1999.
189 Note of meeting between DAC Roy Clark and Raju Bhatt, MPS054182001, p2, 15 July 1999.

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114. Further meetings took place in the remaining months of 1999 and throughout 2000.[190] For the most part, the Metropolitan Police appears to have briefed the family members openly and in detail in these meetings.

115. The evidence available does not support DAC Roy Clark's positive assessment of the Morgan One Investigation. However, it is clear that there was an unprecedented and necessary development in police engagement with members of Daniel Morgan's family after the publication of the *Daily Telegraph* article.

5.2.4 Corruption and conspiracy to pervert the course of justice

116. Intelligence gathered during Operation Nigeria/Two Bridges led to 11 arrests and the prosecution of Jonathan Rees and others including a serving police officer in a case unrelated to Daniel Morgan's murder (see Chapter 4, Operation Nigeria/Two Bridges). During this time, Daniel Morgan's family were routinely updated on the progress of these matters. Late in September 1999, DAC Roy Clark gave some members of Daniel Morgan's family an outline of progress.[191] Further details were given to family members in meetings held in November and December 1999.[192,193]

117. In November 1999, Jonathan Rees and Simon James were tried on charges of conspiracy to commit acts tending and intended to pervert the course of justice, because Simon James had paid Jonathan Rees £11,000 to secure custody of his child from his wife by planting drugs in her car.[194] A serving police officer DC Austin Warnes was charged with conspiracy to supply Class A drugs, conspiracy to supply Class B drugs, conspiracy to pervert the course of justice in a Criminal Court, and conspiracy to pervert the course of justice in a Civil Court. In return for payment,[195] he had put false information into the police intelligence system that Simon James's wife was dealing in drugs in night clubs. James Cook had planted 15 wraps of cocaine in Simon James' wife's car. They had been removed by police and she had been arrested. The drugs were removed by officers from CIB under evidential conditions.[196] He pleaded guilty and was sentenced to four years' imprisonment. Jonathan Rees and Simon James were convicted and sentenced to six years' imprisonment on 15 December 1999. [197] James Cook was acquitted. Members of the family were given daily updates on the trial's progress through Alastair Morgan.[198]

118. Following the trial, Isobel Hülsmann was '*not optimistic about a successful outcome to or continuance of the investigation by police into her son's murder*'.[199] She was informed that DCI Barry Nicholson was anxious for an early meeting with members of Daniel Morgan's family to discuss a way forward.[200]

190 Notes of meetings with the family of Daniel Morgan, MPS046679001, various dates between 1999 and 2000.
191 Note of meeting between DAC Roy Clark and the family of Daniel Morgan, MPS046659001, p16, 28 September 1999.
192 Note of meeting between DAC Roy Clark and the family of Daniel Morgan, MPS054292001, pp1-4, 04 November 1999.
193 Note of meeting between DAC Roy Clark the family of Daniel Morgan, MPS054290001, p1, 13 December 1999.
194 Report by a Detective Sergeant, MPS099294001, p46, 20 July 2001.
195 £1,500 MPS04899001
196 Note of meeting between DAC Roy Clark and Isobel Hülsmann and Alastair Morgan, MPS054186001, 13 December 2000.
197 Jonathan Rees's sentence was increased to seven years when he appealed.
198 Family liaison update report, MPS048914001, p4, 05 January 2001.
199 Family liaison update report, MPS048914001, p4, 05 January 2001.
200 Family liaison update report, MPS048914001, p4, 05 January 2001.

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5.3 The 2000 Murder Review

119. On 23 May 2000, DCI Barry Nicholson briefed DCS Barry Webb on potential leads identified during Operation Nigeria/Two Bridges. DCI Nicholson recorded that DCS Webb '*agreed to review the MORGAN murder and treat the investigation as a "Special Investigation"*'.[201]

120. DI Steve Hagger was appointed to conduct the 2000 Murder Review of the investigations of Daniel Morgan's murder.

121. The review was completed on 06 October 2000. In relation to family liaison, the report found that in the original investigation, '*contact with the family was less structured and more focused on the needs of the investigation rather than on the requirements of the family*'.[202] One of the recommendations it made was that a Level 2 trained Family Liaison Officer should be appointed to the family.[203]

122. There was effective communication and reporting between officers involved in commissioning the 2000 Murder Review. Although DI Steve Hagger had no contact with the family, he clearly was aware of the regrettable history of liaison with the family, and made the recommendation, welcomed by the Panel, that Family Liaison Officers trained to manage more complex issues should be appointed in the future.

5.4 1999 to 2001: Safety and risk

123. After giving a witness statement to police in March 1999, Alastair Morgan became concerned for his safety and was unwilling to sign his statement. This prompted a Detective Constable to write a report on 07 April 1999 to DAC Roy Clark, headed '*Request by Alistair* [sic] *MORGAN to be a protected witness*', and explaining the following:

> *'One main concerns* [sic] *that Alistair* [sic] *MORGAN has is that he believes that REES and FILLERY are aware of the fact that he knows of their involvement in his brothers* [sic] *murder* […]. [H]e *is of the opinion that if REES and FILLERY were to gain the knowledge that he had made a statement giving evidence against them he too would be murdered. MORGAN believes that his statement will be the one thing that will provide the evidence to convict REES and FILLERY of the murder.'*[204]

124. Alastair Morgan related two incidents to the Detective Constable that '*caused him concern*'.[205] In around 1996, he had '*received a telephone call from a female with a foreign accent who said "Hello, we're going to kill you like we killed your brother*[.]*" The caller then hung up.*'[206] Alastair Morgan believed this may have been prompted by a recent newspaper article discussing the murder of another private detective.[207]

201 Letter from DCI Barry Nicholson to DCS Robert Quick, MPS049767001, p1, 02 August 2000.
202 2000 Murder Review report by DI Steve Hagger, MPS020525001, p77, para 9.3, 06 October 2000.
203 2000 Murder Review report by DI Steve Hagger, MPS020525001, p79, para 9.15, 06 October 2000.
204 Report regarding request by Alastair Morgan, MPS046832001, p3, 07 April 1999.
205 Report regarding request by Alastair Morgan, MPS046832001, p4, 07 April 1999.
206 Report regarding request by Alastair Morgan, MPS046832001, p4, 07 April 1999.
207 Report regarding request by Alastair Morgan, MPS046832001, p4, 07 April 1999.

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125. The second incident had occurred in 1998 when Alastair Morgan was living in Glasgow. Alastair Morgan,

> *'returned to his home one evening and saw two men standing on the street corner looking towards his house.* [...] *When he relayed these details to his mother she stated a man had been outside her address the previous day with a camera. He then contacted his sister, who lives in GERMANY, and she told him that on the same day a man was lying in a ditch near her house and he also had a camera. Alistair* [sic] *MORGAN states that he believes these incidents are all linked."*[208]

126. Alastair Morgan told his Family Liaison Officer that he felt that *'these incidents were connected and also understood that they were orchestrated by Hampshire Constabulary, who he believed were motivated by revenge over adverse publicity he had generated in the light of their failure to convict his brother's killers*'.[209]

127. Alastair Morgan refused to sign the draft of his witness statement '*until an alarm had been fitted to his flat and he had a designated CIB* [Complaints Investigation Bureau] *liaison officer*'.[210]

128. DAC Roy Clark wrote to Alastair Morgan on 29 April 1999 thanking him for his unsigned witness statement,[211] noting that '[w]*e did agree to meet at this stage to discuss matters but I understand that you now only want to be contacted through your Solicitors*'.[212] DAC Clark also asked Alastair Morgan to get in touch.[213]

129. On 10 May 2000, Alastair Morgan's solicitor was informed by the Complaints Investigation Bureau 3 (CIB3) that a risk assessment would be conducted regarding the safety of Alastair Morgan and his family.[214] Alastair Morgan was offered a review of his security.[215] The offer was declined by Alastair Morgan following discussion with his partner.[216] Alastair Morgan signed his witness statement on 16 May 2000.[217] The family liaison log, dated 19 May 2000, recorded that Alastair Morgan '*was asked if he had current fears for his safety or that of his family and agreed that he didn't*'.[218]

130. On 26 May 2000, it was recorded that Isobel Hülsmann told the Family Liaison Officer that '*she had no fears for her safety*'. However, the officer noted that '*several comments she made raised fears for her emotional welfare*'. She had received a number of unpleasant telephone calls which she had reported some months previously, but no more had been recorded since the installation of a British Telecom call-monitoring system.[219]

131. Iris Morgan was contacted by the family liaison team in June 2000 following an expression of concern for her wellbeing from Alastair Morgan. She explained that she did not feel vulnerable but talking to the team reminded her of the murder of her husband.[220] In mid-October 2000, Iris Morgan contacted the family liaison team to inform them that her son, Dan Morgan, had been

208 Report regarding request by Alastair Morgan, MPS046832001, p4, 07 April 1999.
209 Fax to DAC Roy Clark from DS Richard Oliver, MPS049773001, p2, undated.
210 Report regarding request by Alastair Morgan, MPS046832001, p4, 07 April 1999.
211 Letter to Alastair Morgan from DAC Roy Clark, MPS046831001, 29 April 1999.
212 Letter to Alastair Morgan from DAC Roy Clark, MPS046831001, 29 April 1999.
213 Letter to Alastair Morgan from DAC Roy Clark, MPS046831001, 29 April 1999.
214 Fax to DAC Roy Clark from DS Richard Oliver, MPS049773001, p2, undated.
215 Fax to DAC Roy Clark from DS Richard Oliver, MPS049773001, p2, undated.
216 Fax to DAC Roy Clark from DS Richard Oliver, MPS049773001, p2, undated.
217 Witness statement of Alastair Morgan, MPS001922001, 16 May 2000.
218 Fax to DAC Roy Clark from DS Richard Oliver, MPS049773001, p2, undated.
219 Fax to DAC Roy Clark from DS Richard Oliver, MPS049773001, p2, undated.
220 Fax to DAC Roy Clark from DS Richard Oliver, MPS049773001, p2, undated.

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assaulted in an incident unrelated to Daniel Morgan's murder. The family liaison team assured Iris Morgan they '*would monitor the investigation*' into Dan Morgan's assault and recorded that she was '*very appreciative*' of their intervention.[221]

132. The family liaison team discussed Alastair Morgan's risk assessment with him in late November 2000.[222] Alastair Morgan was satisfied that he was not under further threat.[223] A few days later Alastair Morgan, despite being told to stay away from Jonathan Rees's trial (see Chapter 4, Operation Nigeria/Two Bridges), was recorded as having '*attended the Central Criminal Court in a disguise to see if he could see REES leaving the court* [….] *He was advised as to how potentially dangerous this was both in terms of compromising the case but also to his own safety.*'[224]

133. While the police had legitimate concern for the safety of Alastair Morgan if he attended the trial, in the circumstances described it was not appropriate to ask him to stay away from the trial. The Panel rejects the contention that the presence of Alastair Morgan at the trial could have compromised the Prosecution case against the Defendants.

134. On 19 December 2000, Alastair Morgan informed the family liaison team that he was,

> '*concerned about his family's safety, specifically Iris Morgan and her children Sarah and Daniel. He believed that the situation had changed and those connected with REES would interfere with or cause distress to the Morgan family. He was asked whether he felt that he was in fear of any reprisal or under threat. He assured police that he was comfortable, as were his immediate family, Isobel* [Hülsmann] *and Jane* [Morgan]*. He did not feel in danger.*'[225]

135. On the same date, Alastair Morgan contacted DAC Roy Clark to express his concern that the level of threat to his family had increased. Although he was on leave, DCI Barry Nicholson was contacted by DAC Clark and told of Alastair Morgan's concerns.[226] DCI Nicholson advised DAC Clark that the threat against members of Daniel Morgan's family had not changed, and this message was conveyed back to Alastair Morgan.[227] Alastair Morgan was again offered a review of his security, which he again declined.[228]

136. When contacted by police, Iris Morgan expressed no concerns for her safety or that of her children and reported that she was '*extremely satisfied with the contact and service police had provided*'.[229]

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221 Family liaison update report, MPS048917001, p4, 19 October 2000.
222 Family liaison update report, MPS048933001, p9, 24 November 2000.
223 Family liaison update report, MPS048933001, p9, 24 November 2000.
224 Fax to DAC Roy Clark from DS Richard Oliver, MPS049773001, p4, undated.
225 Family liaison update report, MPS048914001, p5, 05 January 2001.
226 Telephone call between DAC Roy Clark and Alastair Morgan, MPS046678001, p8, 19 December 2000.
227 Telephone call between DAC Roy Clark and Alastair Morgan, MPS046678001, p8, 19 December 2000.
228 Fax to DAC Roy Clark from DS Richard Oliver, MPS049773001, p4, undated.
229 Family liaison update report, MPS048914001, p5, 05 January 2001.

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137. During the period from late 1999 to 2001, officers in the Metropolitan Police responded well to concerns raised by members of the family about their personal safety. Risk assessments were carried out, some level of personal protection was offered and, generally, a more considerate and professional approach was adopted by the Metropolitan Police than had previously been the case.

5.5 Further attempts to get access to the Hampshire/Police Complaints Authority Report

138. In February 1999, the Stephen Lawrence Inquiry, headed by Sir William Macpherson, had published its findings.[230] Recommendation 10 of the report was '[t]*hat Investigating Officers' reports resulting from public complaints should not attract Public Interest Immunity as a class. They should be disclosed to complainants, subject only to the "substantial harm" test for withholding disclosure.*'[231] This provided new grounds for members of Daniel Morgan's family to seek access to the Hampshire/Police Complaints Authority Investigation report.

139. On 21 March 2000, Alastair Morgan informed Chris Smith MP that, following recommendation 10 of the Macpherson Report, he would again be seeking access to the Hampshire/Police Complaints Authority Investigation report.[232] On 29 March 2000, Chris Smith MP wrote a letter to DAC Roy Clark expressing Alastair Morgan's desire to have access to the Hampshire/Police Complaints Authority Investigation report.[233]

140. On 04 April 2000, members of Daniel Morgan's family met DAC Roy Clark and DCS Robert Quick. At the meeting, DAC Clark said he would consider the family's request to view the Hampshire/Police Complaints Authority Investigation report but noted that '*the issue for the police is if reports are disclosed routinely candour between the investigating officer and the Police Complaints Authority will no longer be possible*'. He added that another point of consideration was Alastair Morgan's position as a potential witness.[234] Between 17 April 2000 and 19 May 2000, Alastair Morgan telephoned DAC Clark a number of times to ask about gaining access to the Hampshire/Police Complaints Authority Investigation report and to express his anxiety over the delay.[235,236,237]

141. On 06 June 2000, Alastair Morgan made several calls to Hampshire Constabulary.[238] DAC Roy Clark called Alastair Morgan back that evening and informed him that Hampshire Constabulary had agreed to let him read the report but not to have a copy. However, before he could read it, they required '*an indemnity*' to the effect that he would '*not use the contents of the report in a civil action against them*'. Alastair Morgan found these conditions '*outrageous*' and did not accept this offer to read the report.[239]

230 Sir William Macpherson, The Stephen Lawrence Inquiry, 24 February 1999.
231 Sir William Macpherson, The Stephen Lawrence Inquiry, p376, 24 February 1999.
232 Fax from Alastair Morgan to Chris Smith MP, PNL000101001, p242, 21 March 2000.
233 Letter from Chris Smith MP to DAC Roy Clark, PNL000101001, p247, 29 March 2000.
234 Note of meeting between members of Daniel Morgan's family, Raju Bhatt, DAC Roy Clark and DCS Robert Quick, PNL000101001, p253, 04 April 2000.
235 Note of telephone call from Alastair Morgan, MPS071654001, 08 May 2000.
236 Note of telephone call from Alastair Morgan, MPS071652001, 15 May 2000.
237 Note of telephone call from Alastair Morgan, MPS054275001, 19 May 2000.
238 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p38, 06 June 2000.
239 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p38, 06 June 2000.

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142. The manner of providing the Hampshire/Police Complaints Authority Investigation report to the family was a matter for Hampshire Constabulary to determine. As such, the police were entitled to place conditions upon the provision of the report in June 2000, such as only allowing the family to read the report and not be provided with a copy. However, the restriction proposed by Hampshire Constabulary in June 2000 that, if members of Daniel Morgan's family were to see the Hampshire/Police Complaints Authority Investigation report, then they could not use it in any civil action against Hampshire Constabulary, was inappropriate. Even if the members of Daniel Morgan's family had given this undertaking, it would not have protected the police from any future civil action, since an undertaking preventing an individual from using a document in civil action would not be legally recognised and would not have been enforceable in court. It is not only inappropriate for this undertaking to have been requested, it is also legally and morally questionable, particularly in the circumstances when the police are dealing with the family members of a murder victim.

143. A Family Liaison Officer described Alastair Morgan's reaction to this offer of conditional access to the report: '*His mood* [had] *ranged between anger; frustration; betrayal; suspicion and the feeling that the relationship that had been painstakingly built up on both his side and from the police had returned to where it had started ie. Distrust.*'[240]

144. Alastair Morgan continued to contact DAC Roy Clark during June 2000.[241,242,243] In a call on 08 June 2000, Alastair Morgan was described in the following terms: '*He is very emotional. He says he is very unhappy. He says he wants the Commissioner to be told and to make a decision.*'[244] Alastair Morgan said he was determined to see the report because he felt it was the only way to understand what had happened.[245]

145. Three weeks later, Alastair Morgan received a letter from DAC Roy Clark informing him that the terms of access to the report remained the same, which Alastair Morgan considered '*unacceptable*'.[246] According to DAC Clark's note of telephone conversations between them, Alastair Morgan said he would '*do anything he thought was necessary to gain access*'[247] to the report, which he clarified to mean '*go to court, lobby parliament, go to the press or do whatever he thought appropriate to get access to the report but he would not reveal anything about the current enquiry*'.[248] Alastair Morgan told DAC Clark that the proposed restriction was '*in itself injurious to the family especially when the long history of distrust between the family and the police was considered*'.[249]

240 Family liaison update report, MPS048919001, p1, 06 June 2000.
241 Note of telephone call from Alastair Morgan, MPS054270001, 06–07 June 2000.
242 Note of telephone call from Alastair Morgan, MPS054271001, 08 June 2000.
243 Note of telephone call from Alastair Morgan, MPS054269001, 15 June 2000.
244 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p39, 08 June 2000.
245 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p37, 15 June 2000.
246 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p36, 6 July 2000.
247 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p34, 07 July 2000.
248 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p34, 07 July 2000.
249 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p31, 13 July 2000.

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146. On 08 September 2000, Isobel Hülsmann spoke to DAC Roy Clark, who suggested some terms on which she could see the Hampshire/Police Complaints Authority Investigation report.[250] Isobel Hülsmann '*felt that any pre condition to her and her son seeing the report would be a step too far*'.[251]

147. Alastair Morgan continued to call DAC Roy Clark's office regarding access to the Hampshire/Police Complaints Authority Investigation report.[252,253] A Metropolitan Police family liaison report recorded Alastair Morgan's reasoning that '*if there wasn't something to hide then the pre-conditions would not have been imposed*'. The family liaison report continued, '[b]*oth Alastair and his mother believe that Hampshire Constabulary deliberately covered up Metropolitan Police corruption*'.[254]

148. Alastair Morgan was angered and dismayed to receive a letter from DAC Roy Clark, dated 13 October 2000, [255,256] apparently laying down conditions that he felt to be '*even worse than before*'.[257] DAC Clark proposed reading the report to members of Daniel Morgan's family, who would not be permitted to record or take notes.[258] This was not acceptable to the family.

149. In February 2001, DAC Roy Clark's successor, DAC Andrew Hayman, agreed to provide a response to Alastair Morgan's request for access to the Hampshire/Police Complaints Authority Investigation report. When DAC Hayman's assessment was not forthcoming, Alastair Morgan again became frustrated by the delay in answering his concerns and was '*harbouring the suspicion that MR. HAYMAN was employing delaying tactics*', and further complained on numerous occasions about lack of access to the report.[259,260]

150. On 20 June 2001, DAC Andrew Hayman wrote to Alastair Morgan's solicitor explaining his decision not to disclose the Hampshire/Police Complaints Authority Investigation report, because it was subject to public interest immunity. The Hampshire Constabulary did not wish the report to be disclosed, because if material from the report was released, it could compromise the current murder investigation (see Chapter 6, The Abelard One/Morgan Two Investigation). However, DAC Roy Clark's offer to read the report to the family remained open.[261]

151. On 05 November 2002, nearly a year and a half later, solicitors, acting on behalf of Isobel Hülsmann, applied for judicial review of the refusal of the Metropolitan Police to disclose the Hampshire/Police Complaints Authority Investigation report to members of Daniel Morgan's family.[262] The judicial review of the claim was listed for hearing on 07 and 08 July 2003.[263]

152. On 24 April 2003, Colin Gibbs, a Crown Prosecutor at the Crown Prosecution Service, made a witness statement at the request of the Metropolitan Police, in relation to the judicial review, in which he stated '[i]*t is not possible to anticipate all potential consequences of*

250 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p27, 13 July 2000.
251 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p27, 8 September 2000.
252 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p29, 07 September 2000.
253 DAC Roy Clark's notes of telephone communications with Alastair Morgan and Family, MPS046678001, p31, 13 July 2000.
254 Family Liaison update report, MPS046817001, p1, 12 September 2000.
255 Family liaison update report, MPS048917001, p3, 17 October 2000.
256 Letter from DAC Roy Clark to Raju Bhatt, MPS071630001, 13 October 2000.
257 Family liaison update report, p3, 17 October 2000
258 Letter from DAC Roy Clark to Raju Bhatt, MPS071630001, pp2-3, 13 October 2000
259 Family liaison update report, MPS048904001, 12 April 2001.
260 Minutes of meeting between Abelard One investigation team and Alastair Morgan, MPS040533001, pp3-4, 14 May 2001.
261 Letter from DAC Andrew Hayman to Raju Bhatt, MPS071592001, p2, 20 June 2001.
262 Fax of letter from Bhatt Murphy Solicitors to Hampshire County Council enclosing copy of Judicial Review, HAM000717001, pp3-9, 7 November 2002.
263 Letter from Raju Bhatt to Alastair Morgan, PNL000102001, pp338-339, 17 June 2003.

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disclosing the [Hampshire/Police Complaints Authority Investigation] *report. However there might be a potential prejudice to the present consideration of the case and, if there is to be a prosecution, to the case itself, if the report were to effectively enter the public domain.'*[264]

153. In a meeting chaired by DAC Barbara Wilding on 09 June 2003, it was decided that a redacted version of the Hampshire/Police Complaints Authority Investigation report should be disclosed to the family. However, by this time, following the further investigation into Daniel Morgan's murder, the Abelard One/Morgan Two Investigation, a report had been submitted to the Crown Prosecution Service seeking advice as to whether there was sufficient evidence to charge Jonathan Rees, Glenn Vian and James Cook with conspiracy to murder Daniel Morgan. A decision was awaited. Therefore, on 01 July 2003, the Metropolitan Police made an application to adjourn the Judicial Review by Isobel Hülsmann pending the making of that decision.[265]

154. On 02 July 2003, the Crown Prosecution Service concluded that the disclosure of the Hampshire/Police Complaints Authority Investigation report, with necessary conditions, would not prejudice any future charging decision and therefore the Metropolitan Police decided to share the report with the family.

155. On 04 July 2003, the High Court ordered that disclosure of the report would be subject to the following conditions:

- '*The Hampshire Report may be copied only to the named members of the Claimant's* [Isobel Hülsmann's] *family, as set out in the Schedule attached hereto (which is not disclosed to the public), her solicitors and counsel.*
- *The Hampshire Report will not be copied further or shown to any other person and its contents will not be made known to any other person, whether orally or in writing or by any other means whatsoever.*
- *The Hampshire Report will not be used for any purpose other than informing the named members of the Claimant's family, as set out in the Schedule attached hereto, her solicitors and counsel of its contents. In particular, no part of the Hampshire Report may be published or provided for publication by others.'*[266]

156. By 03 August 2003, the report, in redacted form, had been delivered to the family.

157. In March 2005, the solicitor acting for Isobel Hülsmann and her family had made an application to the Metropolitan Police for the unredacted Hampshire/Police Complaints Authority Investigation report, and other documents, to be made available for use by Isobel Hülsmann in proposed Judicial Review proceedings against the Home Secretary because of her refusal to direct a public inquiry into the circumstances of Daniel Morgan's death.[267]18 years after the murder of Daniel Morgan and 17 years after the Hampshire/Police Complaints Authority Investigation had been commissioned, the Metropolitan Police agreed that unredacted access should be granted.

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264 Witness Statement of Colin Gibbs quoted within witness statement provided by DLS, HAM000702001, p11, 24 April 2003.
265 Letter to Hampshire County Council from Metropolitan Police Service enclosing Adjournment Application, HAM000702001, 01 July 2003.
266 Order of the High Court, R on the application of H v The Commissioner of Police for the Metropolis, PNL000111001, pp.236-237, 07 July 2003.
267 Letter from Raju Bhatt, HOM000053001, pp1-3, 4 March 2005.

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158. Although it is accepted that there was no right of access to the report during the period from 1989 to 2003, the continuing refusal of the Metropolitan Police to grant the full access to the report of the Hampshire/Police Complaints Authority Investigation until 2005 caused members of the family significant anxiety and distress, because they did not know the outcome of the investigation and because of their suspicions about police corruption.

6 The Abelard One/Morgan Two Investigation

159. The Metropolitan Police acted on the 2000 Murder Review's recommendation that a focused reinvestigation should be undertaken,[268] and by January 2001, planning had begun for a new and significant investigation (see Chapter 6, The Abelard One/Morgan Two Investigation).[269] The operation was initially a covert intelligence operation, Abelard One. Later, an overt murder investigation was created named Morgan Two. Both operated concurrently from this point, forming a single investigation, the Abelard One/Morgan Two Investigation.

160. DCI David Zinzan was asked to attend a meeting with members of Daniel Morgan's family on 16 February 2001 and was[270] appointed as Senior Investigating Officer of the covert Abelard One Investigation in early 2001.[271]

161. On 14 March 2001, following his initial reading of the case papers and having met members of Daniel Morgan's family, DCI David Zinzan reported a number of concerns which he believed required consideration prior to any reinvestigation.[272] This included consideration of Recommendation 83 of the 2000 Murder Review Report, which advised that the investigation team be recruited '*from outwith the South East London area*'.[273] His report unequivocally stated '[i]f *this advice is not followed then a clear reason at a senior level needs to be documented*'. He continued that, otherwise, '[t]*he suspicion of corruption by the family may be reinforced*'[274] (see Chapter 6, The Abelard One/Morgan Two Investigation). DCI Zinzan also wrote, '*this investigation has the potential to damage the reputation of the* [Metropolitan Police]*, conversely, it also has potential to visibly demonstrate our commitment to transparency, rooting out corruption and obtaining justice. It presents a great opportunity and should be viewed as such.*'[275]

162. By 03 April 2001, former DAC Roy Clark had retired and when Alastair Morgan telephoned the investigation team he was informed that DCI David Zinzan was now in post and would be anxious to meet up with him soon to '*discuss the way forward*'.[276] Alastair Morgan replied that he had been advised by his solicitor to communicate with the Metropolitan Police through the Family Liaison Officers.[277] This reflected the ongoing tension about the Metropolitan

268 2000 Murder Review Report, MPS020525001, p82, para 10.7, 06 October 2000.
269 File Note review of the Investigation into the murder of Daniel Morgan, MPS094325001, p7, 09 January 2001.
270 Report by DCI David Zinzan, MPS054322001, p1, 14 March 2001.
271 Panel interview with former DCI David Zinzan, PNL000220001, p1, 15 March 2016.
272 Report by DCI David Zinzan, MPS054322001, p1, 14 March 2001.
273 Report by DCI David Zinzan, MPS054322001, p2, 14 March 2001.
274 Report by DCI David Zinzan, MPS054322001, p2, 14 March 2001.
275 Report by DCI David Zinzan, MPS054322001, p1, 14 March 2001.
276 Family Liaison update report, MPS048904001, p5, 12 April 2001.
277 Family Liaison update report, MPS048904001, p5, 12 April 2001.

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Police's refusal to grant the family full access to the Hampshire/ Police Complaints Authority Investigation report.[278] Alastair Morgan further indicated that '*he was willing to participate in any re-investigation of his brother's murder but would not take any role in a media presentation*'.[279] He said that his solicitor would be writing to DAC Andrew Hayman with an ultimatum regarding the Hampshire/Police Complaints Authority Investigation report and that a failure to respond would result in legal action.[280]

163. On 05 April 2001, a Family Liaison Officer phoned Iris Morgan to provide an update on the latest proposals.[281] Iris Morgan expressed the opinion to the Family Liaison Officer that she thought the police should be aiming towards a conclusion of the investigation into Daniel Morgan's death.[282]

164. The Metropolitan Police 2001 family liaison guidance allowed for different provisions to be made for different family members,[283] and accordingly both DCI David Zinzan and the Family Liaison Officer adopted a largely reactive approach to liaison with Iris Morgan, being available if required. A more proactive approach was taken with other members of Daniel Morgan's family, such as Alastair Morgan and Isobel Hülsmann.

165. The decision to engage with Daniel Morgan's family at different levels was in line with the available guidance at the time and was handled well.

166. DCI David Zinzan attempted to arrange a meeting with Alastair Morgan for 25 April 2001,[284] to provide details on current strategy, to allow Alastair Morgan to meet the team and to facilitate contact and meetings between the investigation team and Daniel Morgan's family.[285] However, Alastair Morgan cancelled the meeting on the day, due to the ongoing issues of access to the Hampshire/Police Complaints Authority Report.[286,287] DCI Zinzan subsequently wrote to Alastair Morgan stating that, although he understood the importance of access to the report, it was a separate issue that was out of his control:

> *'I would personally like to establish a working relationship between you and my team. I believe that this could bring a positive benefit to my investigations. I feel that by including you, listening to your ideas and giving you personal updates you may feel that progress is being made. I would ask you to reconsider this decision. Trust is something that has to be earnt. I would like to be given the opportunity to earn yours.'*[288]

167. Alastair Morgan replied to DCI David Zinzan on 04 May 2001, stating that '[r]*esolving the issue of the Hampshire inquiry must come first for us*'.[289]

278 Risk assessment of Alastair Morgan, MPS048905001, p1, 05 April 2001.
279 Family Liaison update report, MPS048904001, p5, 12 April 2001.
280 Family Liaison update report, MPS048904001, p5, 12 April 2001.
281 Family Liaison update report, MPS048904001, p5, 12 April 2001.
282 Family Liaison update report, MPS048904001, p5, 12 April 2001.
283 Metropolitan Police family liaison policy and fundamental guidelines, MPS109906001, p25, 23 March 2001.
284 Letter from DCI David Zinzan to Alastair Morgan, MPS040571001, p2, 25 April 2001.
285 Minutes of office meeting, MPS040530001, p5, 23 April 2001.
286 Letter from DCI David Zinzan to Alastair Morgan, MPS040571001, p2, 25 April 2001.
287 Decision log, MPS040527001, p19, 27 April 2001.
288 Letter from DCI David Zinzan to Alastair Morgan, MPS040571001, p2, 25 April 2001.
289 Letter from Alastair Morgan to DCI David Zinzan, MPS071598001, 04 May 2001.

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168. DCI David Zinzan briefed his team that he wanted them to meet Alastair Morgan because '*it has, in the past, proved to be beneficial to the team members to meet relatives in order that they may meet the family for whom they would be striving to get a result*'.[290]

169. On 14 May 2001, DCI David Zinzan and his team met Alastair Morgan and his partner. DCI Zinzan commenced the meeting by introducing the Abelard One Investigation team. He then provided a detailed update on current lines of enquiry.[291] The record of the meeting noted:

> '[DCI David Zinzan] *points out that trust has to be earned and will do his best to establish good working relationship. Informs Mr Morgan that he will not lie to him and will be honest.*'[292]

170. In response to a question from Alastair Morgan, DCI David Zinzan stated that he had read the Hampshire/Police Complaints Authority Investigation report, and not only did he state that it would not answer the questions Alastair Morgan had, but that it also clearly stated there was no evidence of police corruption.[293] He advised Alastair Morgan that he was concerned that if it were released it would set a precedent[294] but said that he would seek authority for the family to have access to the report.[295]

171. Following a request from Isobel Hülsmann for a meeting with senior officers, of which Alastair Morgan informed the investigation team at the meeting on 14 May 2001,[296] on 23 May 2001 DCI David Zinzan and DS Richard Oliver met Isobel Hülsmann.[297] In a similar manner to the meeting with Alastair Morgan, Isobel Hülsmann was updated on the investigation, and a working relationship was established. At the meeting, DCI Zinzan expressed his intention to be honest with the family of Daniel Morgan and was recorded as stating that, in his experience, it was '*very difficult to recover from a position of mistrust*'.[298] DCI Zinzan explained that there would be occasions when, for reasons of security, he would be unable to provide certain information to the family, but that he would tell them when these situations arose.[299]

172. DCI David Zinzan added that the current investigation of Daniel Morgan's murder was the most difficult investigation he had ever been involved in.[300] The Metropolitan Police meeting note recorded that, in reply to a comment from Isobel Hülsmann that there had been a lack of will to solve the murder in the past, DCI Zinzan commented: '*I cannot refute that, you have a point*.'[301]

173. Isobel Hülsmann asked whether a new BBC *Crimewatch* programme would be broadcast, as she believed that the previous one had been based upon biased information supplied by Jonathan Rees. (In October 2020, Jonathan Rees told the Panel that he did not have any input into the original BBC *Crimewatch* programme.) DCI David Zinzan replied that arranging for a new appeal to be broadcast should not be a problem. Isobel Hülsmann then raised the issue of the Hampshire/Police Complaints Authority Investigation report, and her belief that it would

290 Minutes of office meeting, MPS053331001, p1, 14 May 2001.
291 Minutes of meeting with Alastair Morgan, MPS040533001, pp1-2, 14 May 2001.
292 Minutes of meeting with Alastair Morgan, MPS040533001, p3, 14 May 2001.
293 Minutes of meeting with Alastair Morgan, MPS040533001, p3, 14 May 2001.
294 Minutes of meeting with Alastair Morgan, MPS040533001, p3, 14 May 2001.
295 Minutes of meeting with Alastair Morgan, MPS040533001, p4, 14 May 2001.
296 Minutes of meeting with Alastair Morgan, MPS040533001, p6, 14 May 2001.
297 Minutes of meeting with Isobel Hülsmann, MPS071597001, 23 May 2001.
298 Minutes of meeting with Isobel Hülsmann, MPS071597001, p1, 23 May 2001.
299 Minutes of meeting with Isobel Hülsmann, MPS071597001, p1, 23 May 2001.
300 Minutes of meeting with Isobel Hülsmann, MPS071597001, p3, 23 May 2001.
301 Minutes of meeting with Isobel Hülsmann, MPS071597001, p3, 23 May 2001.

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never be released to the family. DCI Zinzan replied that the main stumbling block was the issue of public interest immunity, and that if reports such as the Hampshire/Police Complaints Authority Investigation report were routinely released, it would become impossible to claim public interest immunity at other stages. He provided an undertaking that the family of Daniel Morgan would hear of any developments regarding the Hampshire/Police Complaints Authority Investigation report first, and before reading about them in the press. Finally, DCI Zinzan stated that the average posting was for two years and gave an assurance that he would remain in position for '*at least that long*' and that he would '*see it out*'.[302]

174. On 28 June 2001, DCI David Zinzan and the Family Liaison Officer met Jane Morgan and, as with her mother and brother, provided an update on the reinvestigation, including those involved and wider issues around the case.[303] DCI David Zinzan stated he felt it was imperative that communication between the investigation team and the family of Daniel Morgan was '*open and honest*', again adding that in his experience it was '*very difficult to recover from a position of mistrust*'.[304]

175. Jane Morgan said that she had received a copy of DAC Andrew Hayman's letter, dated 20 June 2001, regarding the Hampshire/Police Complaints Authority Investigation report, and that it thoroughly explained the reasons why the report had not been disclosed to the family.[305] However, she was concerned by the final paragraph in the letter, which pointed out that, if the family were to pursue legal action in relation to reading the Hampshire/Police Complaints Authority Investigation report, this could impact on communication with the Metropolitan Police, including the severing of all lines of communication between the family and the investigation team.[306] The Panel has noted that DAC Hayman in his letter did not suggest that all lines of communication with the investigation would be severed, but rather that, '*Whilst I can understand why you may wish to take such action, I would ask you to fully consider the negative impact that may have on our investigation and the restriction it would impose on my ability to communicate with you other than through the Metropolitan Police Directorate of Legal Services*.'[307] DCI David Zinzan said that he considered the Hampshire/Police Complaints Authority Investigation report to be a totally separate issue from the reinvestigation, and that his team would always be responsive to the family's needs.[308]

176. DCI David Zinzan and DS Richard Oliver developed a good working relationship with the family, which contrasted with some of the relationships formed with officers investigating the murder previously. They were open with their communication and shared information regarding their plans for the investigation. DCI Zinzan was also honest about the areas that he thought would prove difficult or impossible, such as gaining full access to the Hampshire/Police Complaints Authority Investigation report.

302 Minutes of meeting with Isobel Hülsmann, MPS071597001, p5, 23 May 2001.
303 Minutes of meeting with Jane Morgan, MPS071596001, p1, 28 June 2001.
304 Minutes of a meeting with Jane Morgan, MPS071596001, p1, 28 June 2001.
305 Minutes of meeting with Jane Morgan, MPS071596001, p1, 28 June 2001.
306 Minutes of meeting with Jane Morgan, MPS071596001, p1, 28 June 2001.
307 Minutes of meeting with Jane Morgan, MPS071596001, p1, 28 June 2001.
308 Minutes of meeting with Jane [Morgan], MPS071596001, p2, 28 June 2001.

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6.1 The *Crimewatch* broadcast

177. DCI David Zinzan and his team had further meetings with members of the family of Daniel Morgan on 26 July 2001,[309] 10 October 2001[310] and 16 January 2002, in which they provided updates regarding the investigation. During the meeting on 16 January 2002, DCI Zinzan advised that intelligence received by the investigation team had supported his belief that Jonathan Rees had organised the murder, that Glenn Vian had committed the murder, that James Cook had driven the getaway car, and that Person P9 had stored the vehicle before assisting in its disposal. DCI Zinzan also explained that *'he had been successful in the deployment so far of a probe within the home of Glen* [sic] *VIAN*'.[311]

178. DCI David Zinzan went on to detail proposals for a *Crimewatch* appeal, which he hoped would act as a 'trigger' and raise new information on the case by encouraging the suspects to communicate with one another.[312] Alastair Morgan and Isobel Hülsmann both agreed that they '*had been surprised and heartened by the developments*'.[313] Their solicitor said that prior to the meeting, both Alastair Morgan and Isobel Hülsmann had decided they would have nothing further to do with the investigation team. However, following the updates from DCI David Zinzan, '*they have both been heartened and decided to continue*'.[314]

179. At a family liaison meeting on 23 April 2002,[315] T/D/Supt David Zinzan (as he was now) advised Alastair Morgan and Isobel Hülsmann that the *Crimewatch* programme had been agreed with the BBC for broadcast at the end of June 2002, to be fronted by DCS David Cook. On 17 May 2002, DCS Cook became the Senior Investigating Officer for the Morgan Two Investigation, which was the overt enquiry supporting the covert activities of Abelard One.[316] T/D/Supt Zinzan added that '*the BBC thought that the involvement of family in the programme would add to the effect of a 15-year-old murder*',[317] but that he was reluctant for them to do so, for fear of increasing their personal risk. If the family wished to appear in the *Crimewatch* programme, T/D/Supt Zinzan was clear that it would be their own decision, and not at his request.[318] Isobel Hülsmann later took the decision to appear and make an appeal for information during the programme.[319,320]

180. T/D/Supt David Zinzan explained that a reward of £10,000 had been authorised, which he said was disappointing as he had requested £50,000.[321] Isobel Hülsmann and Alastair Morgan expressed '*deep disgust*' at the figure, and described it as *'insulting'* and *'derisory'*.[322] T/D/Supt Zinzan said that he had not given up on increasing this figure, and would be re-applying.[323] Concluding the meeting, Alastair Morgan commented to T/D/Supt Zinzan that '*you seem to be doing the absolute best you can*', and Isobel Hülsmann agreed.[324]

309 Minutes of meeting with Alastair Morgan, MPS054194001, 26 July 2001.
310 Minutes of meeting with Isobel Hülsmann and Jane [Morgan], MPS054195001, 10 October 2001.
311 Minutes of meeting with Alastair Morgan and Isobel Hülsmann, MPS054196001, 16 January 2002.
312 Minutes of meeting with Alastair Morgan and Isobel Hülsmann, MPS054196001, pp3-4, 16 January 2002.
313 Minutes of meeting with Alastair Morgan and Isobel Hülsmann, MPS054196001, p4, 16 January 2002.
314 Minutes of meeting with Alastair Morgan and Isobel Hülsmann, MPS054196001, p6, 16 January 2002.
315 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS046659001, p74-80, 23 April 2002.
316 Minutes of Gold Group meeting, MPS042643001, pp7-10, 17 May 2002.
317 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS046659001, p74, 23 April 2002.
318 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS046659001, p77, 23 April 2002.
319 Risk Assessment of Isobel Hülsmann, MPS053734001, p6, 10 June 2002.
320 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS046659001, pp77-78, 23 April 2002.
321 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS046659001, p76, 23 April 2002.
322 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS046659001, p76, 23 April 2002.
323 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS046659001, p76, 23 April 2002.
324 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS046659001, p80, 23 April 2002.

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181. Following this meeting, T/D/Supt David Zinzan made a further request to Commander Roger Pearce for the sum of £10,000 to be reviewed.[325] On 16 May 2002, Commander Pearce authorised a reward of £25,000,[326] and following further representations by T/D/Supt Zinzan,[327] the figure was increased to £50,000 on 17 June 2002.[328]

182. The reward featured as an incentive for the provision of information during the *Crimewatch* broadcast,[329] which was aired on 26 June 2002[330] (see Chapter 6, The Abelard One/Morgan Two Investigation).

183. On 31 July 2002, DS Richard Oliver and a Family Liaison Officer met Iris, Sarah and Dan Morgan.[331] The meeting note recorded that Iris Morgan stated that she was '*more than satisfied with the information being relayed to her and her family*'. It was agreed that Family Liaison Officers would provide regular updates.[332] The meeting note also recorded that DS Richard Oliver '*presented a comprehensive review of the proactive and reactive investigation conducted by officers*'.[333]

184. The Abelard One/Morgan Two Investigation team worked closely with members of Daniel Morgan's family and trusted them with a vast amount of significant information and updates on the investigation, some of which went further than had previously been the case. T/D/Supt David Zinzan's persistence which resulted in the increase of the reward money from £10,000 to £50,000, was significant and welcomed by the family.

6.2 A change of Senior Investigating Officer

185. In early August 2002, T/D/Supt David Zinzan was unavoidably unavailable temporarily from the covert investigation, and D/Supt Michael Taylor took over as Senior Investigating Officer.[334] Alastair Morgan was informed of the change on 06 August 2002 and the following day he wrote to Deputy Commissioner Ian Blair, noting '[w]*e have had excellent relations with DCI Zinzan and* [...] *would also like to thank him for what he has already achieved in this investigation*'.[335]

186. In a family liaison meeting on 05 September 2002, the solicitor for Isobel Hülsmann, Jane Morgan and Alastair Morgan stated that the continuing absence of T/D/Supt David Zinzan '*was a concern to the family because of the confidence that MR. ZINZAN had inspired in them*'.[336] At the same meeting, D/Supt Michael Taylor advised those present that the probe material from the first phase of the covert investigation had corroborated the original intelligence, and

325 Report from T/D/Supt David Zinzan to Commander Roger Pearce, MPS042516001, p20, pp22-23, 02 May 2002.
326 Minute from Commander Roger Pearce to DAC Andrew Hayman, MPS042516001, p26, 16 May 2002.
327 Minute from T/D/Supt David Zinzan to Commander Roger Pearce, MPS042516001, p28, 17 June 2002.
328 Minute from Commander Roger Pearce to T/D/Supt David Zinzan, MPS042516001, p29, 18 June 2002.
329 Minutes of office meeting, MPS040535001, p1, 05 June 2001.
330 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS047357001, p3, 25 July 2002.
331 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS047356001, 31 July 2002.
332 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS047356001, p1, 31 July 2002.
333 Minutes of meeting with Alastair Morgan, Isobel Hülsmann and Kirsteen Knight, MPS047356001, pp1-3, 31 July 2002.
334 Panel interview with former DCI David Zinzan, PNL000220001, p11, 15 March 2016.
335 Letter from Alastair Morgan to Deputy Commissioner Ian Blair, MPS046674001, p7, 07 August 2002.
336 Minutes of meeting with Alastair Morgan, Isobel Hülsmann, Kirsteen [Knight] and Jane [Morgan], MPS047992001, p2, 05 September 2002.

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that the investigation team '*were confident that we were well on the way to solving the case*'.[337] He further stated that the intention was to commence the second phase[338] of the covert investigation on 30 September 2002.[339]

187. At the conclusion of the meeting, the solicitor for Isobel Hülsmann, Alastair Morgan and Jane Morgan outlined a family liaison strategy which he would like to have adopted: that until the end of September, his clients would only expect to be updated with significant occurrences, and once the proactive phase commenced they would like daily updates, with Isobel Hülsmann being updated first, followed by Alastair Morgan. DS Richard Oliver explained that family liaison policy was to update a single point of contact, primarily to avoid confusion, but with that proviso he accepted the suggestion from the solicitor. D/Supt Michael Taylor also agreed to the proposal. The minute of the meeting concluded with the note: '*At the conclusion of the meeting all family members expressed themselves satisfied with the commitment and reassurances asserted by MT* [D/Supt Michael Taylor] *and RO* [DS Richard Oliver].'[340]

188. Further family liaison meetings were held on 01 November 2002,[341] 16 January 2003[342] and 11 February 2003.[343] At these meetings members of the family were provided with further operational updates. At the meeting on 11 February 2003, DCS David Cook explained that he hoped to send an advice file to the Crown Prosecution Service within two to three weeks, and that he would be '*disappointed if REES and* [James] *COOK were not charged in connection with the murder*'; he added that the evidence against Glenn Vian was not as strong.[344]

6.3 March 2003: DCS David Cook's advice file to the Crown Prosecution Service

189. Senior Investigating Officer DCS David Cook submitted an advice file to the Crown Prosecution Service on 10 March 2003, which stated that the investigation team was '*of the firm belief that there was sufficient evidence to charge William Jonathan REES, Glen* [sic] *VIAN and James COOK with a Conspiracy to Murder Daniel MORGAN*'. The Crown Prosecution Service were asked to provide advice, not only as to the proposed charge of conspiracy to murder, but also as to whether identified individuals should be charged with additional offences, some of which did not relate to Daniel Morgan's murder[345] (see Chapter 6, The Abelard One/Morgan Two Investigation).

190. On 28 April 2003, a meeting was held between Counsel and members of the Abelard One/Morgan Two Investigation team. The note of the meeting recorded that Counsel was of the opinion that, '*although it came tantalisingly close*', there was not enough evidence to charge the various Defendants. The note of the meeting further recorded that '[t]*he police did not agree with this assessment*', and that after a lengthy discussion, Counsel '*said that they would like to go away from this meeting and have the opportunity to digest and consider some of the comments made by the police*'.[346]

337 Minutes of meeting with Alastair Morgan, Isobel Hülsmann, Kirsteen Knight and Jane Morgan, MPS047992001, p2, 05 September 2002.
338 The strategy for the second phase was explained as to ensure that every effort was made to get audio equipment inside the car of former DS Sidney Fillery.
339 Minutes of meeting with Alastair Morgan, Isobel Hülsmann, Kirsteen [Knight] and Jane [Morgan], MPS047992001, pp2-3, 05 September 2002.
340 Minutes of meeting with Alastair Morgan, Isobel Hülsmann, Kirsteen [Knight] and Jane [Morgan], MPS047992001, p6, 05 September 2002.
341 Minutes of meeting with Isobel Hülsmann, Alastair Morgan and Kirsteen [Knight], MPS071571001, 01 November 2002.
342 Minutes of meeting with Isobel Hülsmann and Jane Morgan, MPS046666001, 16 January 2003.
343 Minutes of meeting with Alastair Morgan, Kirsteen [Knight], and Dan Morgan, MPS048518001, 11 February 2003.
344 Minutes of meeting with Alastair Morgan, Kirsteen Knight, and Dan Morgan, MPS048518001, p3, 11 February 2003.
345 Advice file R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p130, 7 March 2003.
346 Minute of Operation Abelard conference held on 28 April 2003, CLA000245001, p1, 29 April 2003.

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191. On 01 May 2003, three days after the meeting with Counsel, T/D/Supt David Zinzan and DS Richard Oliver visited Isobel Hülsmann and Jane Morgan in Wales.[347] At this meeting, T/D/Supt Zinzan advised Isobel Hülsmann and Jane Morgan that the Crown Prosecution Service had come to the conclusion that there was insufficient evidence to support a prospect of a conviction, and therefore that the police were minded not to pursue a prosecution. DS Oliver's note of the meeting records that T/D/Supt Zinzan advised Isobel Hülsmann and Jane Morgan that both he and DCS David Cook had argued strongly in favour of a prosecution and reminded them that the decision was provisional but that he felt it unlikely that the Crown Prosecution Service would reverse their decision.[348]

192. Both Isobel Hülsmann and Jane Morgan were very upset. Jane Morgan said, '[t]*here is not much more to say is there, I don't know why you came all this way ……just to tell us this*'. T/D/Supt David Zinzan replied that he had wanted to inform the family in person. Isobel Hülsmann also stated during this meeting that '[t]*here will now be a huge media attack*'. T/D/Supt Zinzan cautioned against going to the media for fear of jeopardising a future prosecution.[349]

193. Following the meeting with Isobel Hülsmann and Jane Morgan, T/D/Supt David Zinzan and DS Richard Oliver returned to London for a meeting with Alastair Morgan and his solicitor.[350] Alastair Morgan was already aware of the Crown Prosecution Service's provisional decision, having been informed by Jane Morgan.[351] At this meeting, T/D/Supt Zinzan discussed the case conference that he had had with Counsel, and explained that Counsel believed there was insufficient evidence for a realistic prospect of a conviction. T/D/Supt Zinzan advised that Counsel would prepare a written advice for the Crown Prosecution Service, but until that was done the decision was not to be considered final.[352] T/D/Supt Zinzan stated that he and DCS David Cook had expressed disappointment with the decision and forcefully put arguments forward to counter the points raised, which Counsel had promised would be examined and reported on in due course.[353]

194. The way in which T/D/Supt David Zinzan and his colleagues conducted the process of advising family members about the preliminary Crown Prosecution Service decision not to prosecute was exemplary; they were honest and frank and went to great lengths to meet with the family involving as it did both travel and meetings.

6.4 The Crown Prosecution Service decision not to prosecute

195. On 07 May 2003, a meeting of the Gold Group for the Abelard One/Morgan Two Investigation was held,[354] at which DCS David Cook outlined the contents of the meeting held with the Crown Prosecution Service and Counsel on 28 April 2003.[355] Following the update

347 Minutes of meeting with Isobel Hülsmann and Jane Morgan, MPS054570001, 01 May 2003.
348 Minutes of meeting with Isobel Hülsmann and Jane Morgan, MPS054570001, p2, 01 May 2003.
349 Minutes of meeting with Isobel Hülsmann and Jane Morgan, MPS054570001, p3, 01 May 2003.
350 Minutes of meeting with Alastair Morgan, MPS048533001, 01 May 2003.
351 Minutes of a meeting with Isobel Hülsmann and Jane Morgan, MPS048532001, p2, 01 May 2003.
352 Minutes of meeting with Alastair Morgan, MPS048533001, p2, 01 May 2003.
353 Minutes of meeting with Alastair Morgan, MPS048533001, p2, 01 May 2003.
354 Minutes of Gold Group meeting, MPS108276001, 07 May 2003.
355 Minutes of Gold Group meeting, MPS108276001, p24, 07 May 2003.

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from DCS Cook, Commander Andre Baker suggested that, should the final Crown Prosecution Service decision be not to prosecute, then the Crown Prosecution Service and Counsel should be encouraged to meet the family.[356]

196. On 08 August 2003, copies of Counsel's advice[357] were received by the Abelard One/ Morgan Two Investigation team,[358] confirming Counsel's earlier recommendation that the decision be taken not to prosecute Jonathan Rees, Glenn Vian or James Cook for any offence connected with the killing of Daniel Morgan, nor any person for any ancillary offences.[359] This decision was expected to be confirmed officially by the Crown Prosecution Service early the following week.[360]

197. On 02 September 2003, Colin Gibbs from the Crown Prosecution Service wrote to DCS David Cook, D/Supt David Zinzan and the Deputy Senior Investigating Officer, DCI Neil Hibberd, stating that, following receipt of the advice file, the Crown Prosecution Service had considered the matter and agreed with Counsel that there was '*insufficient evidence to provide a realistic prospect of a conviction for the offence of murder and other offences arising from the death of Daniel Morgan*'.[361]

198. On 05 September 2003, DCS David Cook and D/Supt David Zinzan held a meeting with Isobel Hülsmann and her solicitor. DCS Cook explained the Crown Prosecution Service's decision not to proceed. The notes record that while DCS Cook expressed his disappointment at this, he stated that, in light of the arguments that the Crown Prosecution Service had put forward, he accepted the decision. DCS Cook further advised that it was possible the case would be referred to a Murder Review Group, who would review the investigation. Isobel Hülsmann's solicitor responded that he '*understood the situation*' and saw the referral of the case to a Murder Review Group as '*one way forward*'.[362]

199. Following a question from the solicitor as to whether the investigation team was still engaged, DCS Cook replied that three officers were continuing to investigate former DS Sidney Fillery, who was next due at Court on 16 September 2003 for a matter unconnected with Daniel Morgan, and decisions would be made regarding whether and how to proceed based on the outcome of those hearings.[363]

200. Isobel Hülsmann's solicitor explained that his clients were considering the options available to them, which included bringing a private prosecution or a civil action or calling for a public inquiry. The solicitor also said he wished to view the report that DCS David Cook had submitted to the Crown Prosecution Service in March 2003, the advice from Counsel, and a record of the points put to Counsel by DCS Cook at their conference on 28 April 2003, along with Counsel's response to those points. DCS Cook replied that, personally, he had no objection to these requests, but that it would be for the Metropolitan Police as an organisation to decide. Finally, Isobel Hülsmann requested that the Commissioner of the Metropolitan Police, Sir John Stevens, visit her at home in Wales to discuss the matter personally.[364]

356 Minutes of Gold Group meeting, MPS108276001, p26, 07 May 2003.
357 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, undated.
358 Message M193, MPS060053001, 08 August 2003.
359 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, pp1-57, undated.
360 Minutes of Gold Group meeting, MPS071568001, p1, 12 August 2003.
361 Letter from Colin Gibbs to DCS David Cook, D/Supt David Zinzan and DCI Neil Hibberd, MPS072321001, p2, 2 September 2003.
362 Minutes of a meeting with Isobel Hülsmann, MPS071567001, p1, 05 September 2003.
363 Minutes of a meeting with Isobel Hülsmann, MPS071567001, p1, 05 September 2003.
364 Minutes of a meeting with Isobel Hülsmann, MPS071567001, p3, 05 September 2003.

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201. On 08 September 2003, the solicitor acting for Isobel Hülsmann wrote to DCS David Cook as a follow-up to their meeting three days earlier.[365] His letter stated:

> *'You* […] *made it clear that it would be appropriate for Mrs Hulsmann* [sic] *and her family to assume that the MPS* [Metropolitan Police Service] *has reached the end of the road for all practical intents and purposes. You indicated that the Gold Group would convene specifically to consider any requests or proposals on the way forward that might be put forward on behalf of Mrs Hulsmann* [sic] *and her family, and you invited me to do so in writing to you with the assurance that the* [Metropolitan Police] *will want to do whatever is possible to support, assist and co-operate with them. You are of course already aware of the proposals set out below, which were rehearsed at our meeting and are now put forward on the understanding that they should not meet with any objection or obstruction from you or Supt Zinzan.'*[366]

202. The letter said that DCS David Cook:

i. Had, on his own analysis made it clear that the '*real mischief*' lay in the Morgan One Investigation;

ii. had found the case to be the '*worst mess*' he had ever seen;

iii. had confirmed that DS Sidney Fillery's role in the Morgan One Investigation was '*at the heart of the mischief*'; and

iv. had conceded that, in his view, those around DS Fillery '*who had protected him included other police officers*'.[367]

203. The letter continued by listing proposals which his clients wished to be considered, as summarised below:

i. That the focus of the Metropolitan Police should be changed from the immediate '*actors*' in the murder to instead look at the involvement of Sidney Fillery in the Morgan One Investigation, and at those who had protected him.[368]

ii. That the Metropolitan Police should provide a copy of the reinvestigation report submitted to the Crown Prosecution Service in March 2003, the response of Counsel to that report, and their response to issues raised at a conference at the end of April 2003.[369]

iii. That the Metropolitan Police should consider whether there would be support for a call for a public inquiry, should the family of Daniel Morgan pursue that option.

204. On 24 September 2003, Isobel Hülsmann wrote to Commissioner Sir John Stevens.[370] The letter expressed her '*disappointment and frustration*' upon being formally notified that the Crown Prosecution Service would not proceed with this case, particularly '*bearing in mind some of the most disturbing comments made by DCS Cook at my most recent meeting with David*

365 Letter from Raju Bhatt to DCS David Cook, MPS108273001, pp9-11, 08 September 2003.
366 Letter from Raju Bhatt to DCS David Cook, HOM000011001, p1, 08 September 2003.
367 Letter from Raju Bhatt to DCS David Cook, HOM000011001, p2, 08 September 2003.
368 Letter from Raju Bhatt to DCS David Cook, HOM000011001, p2, 08 September 2003.
369 Letter from Raju Bhatt to DCS David Cook, HOM000011001, p2, 08 September 2003.
370 Letter from Isobel Hülsmann to Commissioner Sir John Stevens, MPS108276001, pp29-30, 24 September 2003.

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Zinzan and my solicitor'.[371,372] The letter concluded with a further request that the Commissioner visit Isobel Hülsmann at her home '*to discuss the very many unanswered and relevant questions relating to this horrendous unsolved murder*'.[373]

205. The Commissioner's Staff Officer, DCS Hamish Campbell, replied to Isobel Hülsmann's letter on 01 October 2003, explaining that the Commissioner could not intervene in decisions made by the Crown Prosecution Service, as they were independent of the police, but that Commander Andre Baker, with responsibility for murder investigations, had been asked to respond to Isobel Hülsmann's unanswered questions.[374]

206. On 14 October 2003, Commander Andre Baker wrote to Isobel Hülsmann stating that, following the Crown Prosecution Service's decision that no charges would be brought against anyone for the murder, the case would, in line with Metropolitan Police policy, be passed to a Metropolitan Police review team.[375]

207. The solicitor acting for Isobel Hülsmann and her family replied to this letter on 24 October 2003,[376] noting that he had not received a response to the points raised in his letter sent to DCS David Cook on 08 September 2003 (see above, paragraph 201), and that '*the continuing absence of any substantive response has become a cause of increasing concern and anxiety to Mrs Hulsmann* [sic] *and her family, calling into question the good faith with which they have sought to work with the MPS* [Metropolitan Police Service] *as a whole in relation to this tragic and difficult case*'.[377]

208. On 27 October 2003, the Directorate of Legal Services in the Metropolitan Police replied to the letter of 08 September 2003 received from the solicitor acting for Isobel Hülsmann and her family,[378] confirming that the Abelard One/Morgan Two Investigation would be reviewed by the Murder Review Group, under the direction of DAC Michael Fuller. The letter also refuted some of the statements in the letter from the solicitor, stating that:

i. DCS David Cook had made it clear that his opinion of the Morgan One Investigation was by reference to current investigative standards, not those which were applicable at the time; and

ii. DCS Cook did not '*concede*' that former DS Sidney Fillery had been '*protected*' and said that no evidence had been found to support that assertion.[379]

209. The letter of 27 October 2003 also said that: DCS Cook had stated that the investigation had looked for evidence, intelligence or other information which would suggest any corruption, and had found none; and that allegations of police corruption were not explicitly within the ambit of the Abelard One/Morgan Two Investigation; however, the review under the oversight of DAC Michael Fuller would consider whether it was appropriate to treat the enquiry into police corruption as complete.[380]

371 Letter from Isobel Hülsmann to Commissioner Sir John Stevens, MPS108276001, p29, 24 September 2003.
372 Due to the meeting note, the Panel has been unable to determine which of DCS David Cook's comments were found to be *'most disturbing'* by Isobel Hülsmann.
373 Letter from Isobel Hülsmann to Commissioner Sir John Stevens, MPS108276001, p29, 24 September 2003.
374 Letter from DCS Hamish Campbell to Isobel Hülsmann, MPS108276001, p28, 01 October 2003.
375 Letter from Commander Andre Baker to Isobel Hülsmann, MPS108276001, p16, 14 October 2003.
376 Letter from Raju Bhatt to Commander Andre Baker, MPS108276001, pp11-12, 24 October 2003.
377 Letter from Raju Bhatt to Commander Andre Baker, MPS108276001, pp11, 24 October 2003.
378 Letter to Raju Bhatt, HOM000009001, 27 October 2003.
379 Letter to Raju Bhatt, HOM000009001, p1, 27 October 2003.
380 Letter to Raju Bhatt, HOM000009001, p1, 27 October 2003.

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210. The letter further said that none of the documents requested would be provided to the family and that they had no legal entitlement to such material, concluding with the following:

> *'As stated above, DCS Cook did not concede that Fillery had been protected. Should a public inquiry be directed then the* [Metropolitan Police] *would, of course, co-operate."*[381]

211. Although the Panel understands that it is not normal to disclose an investigative report to a victim's family, no explanation was given to Isobel Hülsmann, Alastair Morgan and Jane Morgan for the decision not to disclose either the Crown Prosecution Service report or for the decision not to recommend a prosecution. It would have been helpful had the letter from the Directorate of Legal Services explained that to disclose the reasons for not proceeding had the potential to jeopardise future investigations or prosecutions. This was not explained to the family, leaving them to suspect that there may have been other, underlying issues.

212. On 02 December 2003, the solicitor acting for Isobel Hülsmann and her family replied to the Directorate of Legal Service's letter of 27 October 2003.[382] The letter opened with the following:

> *'I am surprised that you now seek to dispute the views expressed by Det Ch Sup Cook with regards to the sorry history of this matter, the role of ex PS* [sic] *Sidney Fillery at the heart of that history and the protection he enjoyed from those around him including other police officers. My understanding of those views, as reflected in my letter of 8 September, was rehearsed before Det Ch Sup Cook and Sup Zinzan at our meeting, and I did not hear any dissent or dispute from either of them at that stage. It is of course open to Det Ch Sup Cook to depart from the views that he expressed at our meeting, but that cannot alter what he had in fact said."*[383]

213. The letter further said that, as the Metropolitan Police seemed to accept that allegations of police corruption were not within the ambit of the Abelard One/Morgan Two Investigation, and because the recent review under the direction of DAC Michael Fuller had '*simply looked back at the recommendations which emerged from the previous MPS* [Metropolitan Police Service] *Murder Review* [...] *in order to ascertain that all such recommendations had been followed through*', the issue of police corruption did not appear to have been investigated.[384]

214. The letter from the solicitor said that, if the Metropolitan Police were unable or unwilling to take this matter further, the '*burden of taking whatever steps may be necessary to ensure that those responsible for the murder* [...] *are brought to justice*' was placed upon the family of Daniel Morgan, and for that reason it was essential that they knew and understood what material was available to the Metropolitan Police.[385]

381 Letter to Raju Bhatt, HOM000009001, p2, 27 October 2003.
382 Letter from Raju Bhatt HOM000008001, 02 December 2003.
383 Letter from Raju Bhatt HOM000008001, p1, 02 December 2003.
384 Letter from Raju Bhatt HOM000008001, p1, 02 December 2003.
385 Letter from Raju Bhatt HOM000008001, p2, 02 December 2003.

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215. Regarding the issue of access to DCS David Cook's advice file, Counsel's advice, and the underlying material, the solicitor stated that his clients had been given previous assurances on behalf of the Metropolitan Police that the police '*would wish to support, assist and co-operate with Mrs Hulsmann* [sic] *and her family on any further steps they might wish to take*'. The solicitor requested an explanation for the decision to deny his clients access to the report or underlying material relating to the recent reinvestigation.[386]

216. The solicitor concluded by instructing that this correspondence should be treated as a letter of claim under the pre-action protocol for judicial review (the first step in seeking a judicial review) of the decision of the Metropolitan Police to deny Isobel Hülsmann access to either the report submitted to the Crown Prosecution Service or the underlying primary material arising from the recent reinvestigation.[387]

217. On 16 March 2004, the Directorate of Legal Services wrote to the solicitor acting for Isobel Hülsmann and her family regarding disclosure of DCS David Cook's report. The letter began by denying that DAC Barbara Wilding, DCS Cook or D/Supt David Zinzan had previously given any assurance that the report would be provided his clients. However, it was now agreed, in principle, that the report would be provided to them, subject to appropriate redactions and conditions.[388]

218. On 21 May 2004, the Directorate of Legal Services again wrote to the solicitor, advising that the Metropolitan Police had agreed to disclose DCS David Cook's report to his clients, subject to conditions, which were that:

i. The Report and its contents could only be used to inform specified people including Isobel Hülsmann, and her lawyers and the persons agreed by the Metropolitan Police;

ii. The Report, could only be copied for those agreed and was not be published or passed to any other persons;

iii. The recipients of the Report would owe the Commissioner a duty to keep the contents of the Report confidential.[389]

On 26 May 2004, the solicitor acting for Isobel Hülsmann and her family replied agreeing to the majority of the conditions, and on this basis a disclosure agreement was reached with the Metropolitan Police.[390]

219. In June 2004, the Metropolitan Police disclosed a copy of DCS David Cook's report to the solicitor, who ensured it was received by his clients.[391]

6.5 Correspondence with the Crown Prosecution Service

220. In addition to ongoing contact between the solicitor acting for Isobel Hülsmann and Alastair Morgan and the Metropolitan Police, Isobel Hülsmann and Alastair Morgan were in correspondence with the Crown Prosecution Service. On 20 November 2003, Isobel Hülsmann received an undated letter from Colin Gibbs of the Crown Prosecution Service Casework

386 Letter from Raju Bhatt, HOM000008001, p2, 02 December 2003.
387 Letter from Raju Bhatt, HOM000008001, pp2-3, 2 December 2003.
388 Letter to Raju Bhatt, PNL000103001, p52, 16 March 2004.
389 Letter from MPS Directorate of Legal Services to Bhatt Murphy solicitors, PNL000103001, 21 May 2004.
390 Letter from Raju Bhatt, PNL000103001, p97, 18 June 2004.
391 Letter from Raju Bhatt to Alastair Morgan PNL000103001, p100, 28 June 2004.

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Directorate, to which her solicitor responded on 02 December 2003.[392] The solicitor said that previous letters to Colin Gibbs (of 13 February, 31 March and 23 April 2003), which had been sent in the context of judicial review proceedings underway against the Metropolitan Police, had been neither acknowledged nor replied to by the Crown Prosecution Service. He continued:

> *'Moreover, contrary to the stated practice of the CPS* [Crown Prosecution Service] *Casework Directorate in other similar cases – and, indeed, contrary to the CPS policy statement on the care and treatment of victims in general – I note that you have not considered it necessary to liaise with Mrs Hulsmann* [sic] *or myself in any way in connection with your deliberations upon this matter.'*[393]

221. The solicitor's letter went on to state that, prior to the undated letter from Colin Gibbs, the only indication that Isobel Hülsmann or the solicitor had received regarding the decision not to charge Jonathan Rees and others with the murder of Daniel Morgan was by word of mouth, during a telephone call from D/Supt David Zinzan on 02 September 2003. The first formal communication to members of the family of the Crown Prosecution Service's decision not to proceed had been the undated letter received by Isobel Hülsmann on 20 November 2003, which described the process by which the decision not to proceed was taken but gave no indication of the underlying reasons. While the letter from Colin Gibbs proposed a meeting with members of Daniel Morgan's family, at which Counsel would provide '*as full an explanation as possible of the reasons for any decision*', the solicitor requested that the Crown Prosecution Service provide '*the full and detailed reasons for your decision in writing – this would enable me to assist* [Isobel Hülsmann] *to digest the explanation so provided and thereby to make more fruitful any subsequent meeting with counsel and yourself*'.[394]

222. On 05 December 2003, Colin Gibbs replied to the solicitor, stating:

> *'I do not recall not replying to all your letters as I recall speaking to you and sending a colleague to your office to collect a file.*
>
> *'The reason I wrote to Mrs Hulsmann* [sic] *directly was because she had written to the DPP* [Director of Public Prosecutions] *and I assumed, apparently wrongly, that she wanted a personal reply.*
>
> *'I do not understand your point about assuming Mrs Hulsmann* [sic] *knew the decision because her letter made it plain that she did know.*
>
> *'I will take the time to provide written reasons as you request. I will need to speak to Counsel about this so it may not get to you until the New Year. If it is taking longer than I expect myself or a colleague will contact you.'*[395]

223. The solicitor wrote further letters to Colin Gibbs on 16 December 2003[396] and 22 January 2004,[397] in which he continued to express concerns regarding the failure to disclose to his clients the reasons for the Crown Prosecution Service decision. In his letter of 22 January 2004,

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392 Letter to Colin Gibbs from Raju Bhatt, HOM000004001, 02 December 2003.
393 Letter to Colin Gibbs from Raju Bhatt, HOM000004001, p1, 02 December 2003.
394 Letter to Colin Gibbs from Raju Bhatt, HOM000004001, p2, 02 December 2003.
395 Letter from Colin Gibbs to Raju Bhatt, HOM000003001, 05 December 2003
396 Letter from Raju Bhatt to Colin Gibbs, HOM000002001, 16 December 2003.
397 Letter from Raju Bhatt to Colin Gibbs, HOM000001001, 22 January 2004.

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he noted that he had not yet received a reply to his previous letter and stated: '*I consider the delay in providing me with reasons for the decision to be unacceptable and deeply disrespectful to my client* [...].'[398]

224. On 07 April 2004, the Crown Prosecution Service wrote to the solicitor acting for Isobel Hülsmann and her family advising that a document setting out the reasons for the September 2003 decision not to prosecute was being prepared but that there had been delays.[399]

225. On 23 April 2004, Isobel Hülsmann's solicitor wrote to Chris Newell, Principal Legal Adviser at the Crown Prosecution Service, to '*draw* […] *attention to the increasing cause for concern in relation to the handling of this matter by the CPS Casework Directorate'*, and again referred to the Crown Prosecution Service policy statement regarding the care and treatment of victims.[400]

226. The solicitor noted that eight months had passed since the decision not to prosecute had been finalised, and:

> *'*[w]*e are therefore left to wonder whether what we are being asked to await is, not the reasoning (if any) which actually led to the decision last year, but reasons that are now being put together to justify that decision.'*[401]

227. On 06 May 2004, Colin Gibbs replied to the solicitor's letter, enclosing a six-page document containing the reasons why the decision was taken not to prosecute the suspects for the murder of Daniel Morgan.[402] The letter also advised that the Crown Prosecution Service and Counsel were still willing to meet with members of Daniel Morgan's family.[403]

228. On 10 May 2004, the solicitor acting for Isobel Hülsmann and her family wrote to Chris Newell, Principal Legal Adviser at the Crown Prosecution Service, acknowledging the letter of 06 May from Colin Gibbs. He noted that he had not received a reply to his letter of 23 April from either Chris Newell or the Director of Public Prosecutions, to whom the letter had been copied.[404]

229. Chris Newell replied to this letter on 20 May 2004, apologising '*unreservedly*' for the delays and stating that he was '*sincerely sorry for any anxiety or concerns that have been added to the bereavement that Mrs Hulsmann* [sic] *and her family suffered in 1987*'.[405] The letter continued:

> *'I understand your concern that the document enclosed with Mr Gibbs' letter of 6 May amounted to an ex post facto justification of an earlier decision. I am satisfied, however, that this was not the case; and that the decision that was (in fact) taken on 1 September 2003 was a properly informed and reasoned decision.'*[406]

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398 Letter from Raju Bhatt to Colin Gibbs, HOM000001001, p1, 22 January 2004.
399 Letter from the Crown Prosecution Service to Raju Bhatt, PNL000103001, p70, 07 April 2004.
400 Letter from Raju Bhatt to Chris Newell, PNL000103001, p84, 23 April 2004.
401 Letter from Raju Bhatt to Chris Newell, PNL000103001, p85, 23 April 2004.
402 Reasons for the Crown Prosecution Service decision not to prosecute suspects following the murder of Daniel Morgan, PNL000108001, pp67-72, 06 May 2004.
403 Letter from Colin Gibbs to Raju Bhatt, PNL000108001, p66, 06 May 2004.
404 Letter from Raju Bhatt to Chris Newell, PNL000103001, p90, 10 May 2004.
405 Letter from Chris Newell to Raju Bhatt, PNL000103001, p113, 20 May 2004.
406 Letter from Chris Newell to Raju Bhatt, PNL000103001, p113, 20 May 2004.

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230. The improvement in the relationship between members of the family and the Metropolitan Police was adversely affected by the inability to secure evidence to support a prosecution of any or all of those suspected of Daniel Morgan's murder. The manner in which the Crown Prosecution Service and Directorate of Legal Services treated the family did not enhance their understanding of why there had been no prosecution. This left the family feeling disillusioned. The letter the family received from Colin Gibbs of the Crown Prosecution Service on 05 December 2005 was eight months after the decision not to prosecute the suspects for the murder of Daniel Morgan. This delay was not acceptable.

6.6 The family's request for a public inquiry

231. On 26 February 2004, a joint letter from Chris Smith MP and Roger Williams MP, and Lord Livesey of Talgarth, was sent to the Home Secretary, David Blunkett MP.[407] The letter was in support of a submission from the solicitors representing their constituents which argued for a formal public inquiry.

232. This request for a public inquiry articulated his clients' fear that the police had '*colluded in or tolerated serious criminal activity, namely the murder of Daniel*',[408] and stated the following:

> *'In the event, it is submitted that a public judicial inquiry into the whole case may now be the only realistic option whereby this tragic murder and the whole complex and murky background to it could be subjected to the fullest scrutiny. Indeed, in the absence of a criminal trial or any other adequate forum for such scrutiny, it would be incumbent upon the state to ensure that a public judicial inquiry should take place in view of its obligations in common law and under Articles 1 and 2 of the European Convention of Human Rights alike.'*[409]

6.7 Letters and briefings

6.7.1 10 June 2004: Letter from Hazel Blears to members of Daniel Morgan's family

233. On 10 June 2004, the Home Office Minister, Hazel Blears MP, replied setting out her reasons for refusing the request for a public inquiry, stating: '*I do not consider a public inquiry to be required by law or to be a proportionate or, indeed, a useful course to follow*.' She said that:

> *'section 49 of the Police Act 1996 allows the Home Secretary to cause a public inquiry to be held into any matter connected with the policing of any area. However, successive Home Secretaries have reserved such inquiries for circumstances where there has been serious public disorder, or some similar circumstances where wide ranging and serious disquiet is felt about a matter affecting a large proportion of a force. I, too, consider that it appropriate to reserve this power for matters of that nature* […].
>
> *'I know you share the reservations of the family about the conduct of the four investigations and you have a lingering suspicion that police officers were not only*

407 Joint Letter from Chris Smith MP, Roger Williams MP, Lord Livesey of Talgarth to the Home Secretary, David Blunkett MP, HOM000016001, 26 February 2004.
408 Submission to the Home Secretary on behalf of the deceased's family, HOM000014001, p2, 16 February 2004.
409 Submission to the Home Secretary on behalf of the deceased's family, HOM000014001, p3, 16 February 2004.

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involved with the killing of Daniel Morgan but also involved in their protection. However, I do not believe that, in itself, that is sufficient to embark on a further inquiry nor am I persuaded that a public inquiry would be likely to uncover further evidence which would lead to a different outcome. We cannot ignore the Coroner's remarks when delivering his verdict of unlawful killing during the inquest, that there was "no evidence whatsoever in this inquest to point to any police involvement in this killing". Neither can we ignore the conclusion of the (second) investigation into alleged police involvement and the fact that the Police Complaints Authority was satisfied with the conduct of that investigation and with the findings.

'Finally, there is no legal requirement to hold an inquiry in this case.'[410]

234. This decision was re-stated in the House of Commons on 06 July 2004 by Home Office Minister, Caroline Flint MP.[411] Following further pressure from Daniel Morgan's family, however, Hazel Blears MP agreed to meet Isobel Hülsmann, Alastair Morgan and their solicitor.

235. The Home Office sought a briefing from Hampshire Constabulary in advance of the meeting about their investigation.[412] A letter from the Hampshire Constabulary was sent to the Home Office on 06 October 2004[413] to explain the Terms of Reference set for the Hampshire Investigation. The letter also included the following statement:

'In the course of examining the records [of the Hampshire/Police Complaints Authority Investigation]*, nothing was seen to suggest that the family were in any way dissatisfied with the service they received from the Hampshire Constabulary or that they were not kept properly informed.'*[414]

236. Hampshire Constabulary provided excerpts from the records of the investigation detailing communications from Alastair Morgan. They ranged in date from December 1988 to February 1989 and were not exhaustive. They demonstrated that Alastair Morgan had articulated significant dissatisfaction:

i. A police note of a telephone call from Alastair Morgan to a Police Constable dated 13 December 1988 read:

> *'Much ramblings, the* [sic] *basis of which appears to be that he is concerned about the lack of communication between SIO/DSIO* [Senior Investigating Officer/Deputy Senior Investigating Officer] *and Mrs Hulsmann* [sic] *or her solicitor, they are all worried about what is happening.'*[415]

ii. A police note of a telephone call from Alastair Morgan to DCI Paul Blaker dated 15 December 1988 read:

> '[Alastair Morgan]: *I'm just ringing to see how things are going and just to say that my mother is still concerned because of a lack of information from your office to her.*

410 Letter from Hazel Blears MP to Bhatt Murphy Solicitors, HOM000334001, pp1-2, 10 June 2004.
411 Hansard HC Deb, Vol 423, Col 230-237WH, 06 July 2004. 2004; www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040706/halltext/40706h04.htm.
412 Fax to Hampshire Constabulary from Home Office, HOM000356001, pp1-2, 24 August 2004.
413 Letter to Home Office from Hampshire Constabulary, HOM000367001, 06 October 2004.
414 Letter to Home Office from Hampshire Constabulary, HOM000367001, 06 October 2004.
415 Message M467, telephone call from Alastair Morgan to a Woman Police Constable, MPS028840001, p1, 13 December 1988.

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> *'Reply* [DCI Blaker]: *We discussed a few days ago the reasons why we cannot tell your mother our lines of enquiry.'*[416]

iii. A police note of a telephone call dated 28 February 1989 from Alastair Morgan to DCI Paul Blaker read:

> *'Above telephoned explaining that he was very upset not to have been informed of the charging of the three persons or being told that Goodridge was on bail.* [...] *He felt he had no option but to start contacting MP's* [sic] *etc.*
>
> *'DCI explained reasons for secrecy of operation to prevent any leak on enquiry. Acknowledged with hindsight that courtesy of a phone call would have been appropriate.* [...] *If he wanted to contact MP's* [sic] *etc then he was free to do so.'*[417]

iv. A police note of a telephone call from Alastair Morgan to the Family Liaison Officer, a Police Constable, for the Morgan family, also from 28 February 1989, read:

> *'A very long and involved conversation re lack of information supplied from* [the Hampshire/Police Conduct Authority Investigation] *to his family.'*[418]

237. The meeting between members of the family and Hazel Blears MP took place on 20 October 2004[419] with Chris Smith MP, Roger Williams MP and Lord Livesey of Talgarth.[420]At the end of the meeting, Hazel Blears asked officials to provide her with additional information on the case.

6.7.2 Briefing to the Home Office from the Independent Police Complaints Commission

238. Following the meeting between Hazel Blears MP and members of the family, a briefing note dated 03 November 2004[421] was provided by the Independent Police Complaints Commission[422] for the Home Office, as the successor organisation to the Police Complaints Authority. The family of Daniel Morgan had been concerned since 1989 about the fact that the terms of reference of the Hampshire Police Complaints Authority Investigation appeared to have changed from investigating police involvement in the murder of Daniel Morgan to a murder investigation. The briefing included the following point of discussion:

> *'We can find no evidence that there was an actual formal change to the wording of the terms of reference* [of the Hampshire/Police Complaints Authority Investigation]. *However, it seems clear that the investigation was proceeding by pursuing Rees and Goodridge at this time. Indeed, right from the beginning of the IO's* [Investigating Officer's] *report Wheeler states his intent to pursue evidence that would result in charges being brought, and that he saw this as a way of investigating police involvement* […].

416 Message M470, telephone call from Alastair Morgan to DCI Paul Blaker, MPS028837001, p1, 15 December 1988.
417 Message M678, telephone call from Alastair Morgan to DCI Paul Blaker, MPS029043001, p1, 28 February 1989.
418 Message M680, telephone call from Alastair Morgan to a Police Constable, MPS029041001, p1, 28 February 1989.
419 Note of meeting with Isobel Hülsmann, Alastair Morgan and Kirsteen Knight, HOM000047001, 20 October 2004.
420 Joint Letter from Chris Smith MP, Roger Williams MP, Lord Livesey of Talgarth to Rt Hon David Blunkett MP, HOM000016001, 26 February 2004.
421 Independent Police Complaints Commission *'Request for further briefing in the case of Daniel Morgan'*, HOM000375001, 03 November 2004.
422 The Independent Police Complaints Commission was established in 2003 and replaced the Police Complaints Authority. In its turn the Independent Police Complaints Commission was replaced in 2018 by the Independent Office for Police Conduct.

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> *'What is not clear to us is whether the PCA* [Police Complaints Authority] *undertook any detailed consideration as to whether this was congruent with the aims of the investigation and the effect this would have on the family.'*[423]

6.7.3 Briefing to Hazel Blears MP from Home Office officials and her subsequent response

239. A lengthy briefing dated 30 November 2004 was provided by officials to the Home Office Minister, Hazel Blears MP, summarising the information that had been received in relation to each investigation into the murder of Daniel Morgan. Appended to this briefing was a letter drafted by officials for Hazel Blears MP to send to the Isobel Hülsmann's solicitor as is normal practice.[424]

240. The submission document included the following description of the Hampshire/Police Complaints Authority Investigation's arrest of Jonathan Rees and Paul Goodridge:

> *'The "digression" to deal with the non-police officers in regards to the murder and the on-going but separate investigation of the same officers into their involvement in Belmont Auctions could lead an uninformed observer to conclude that the focus on police officer involvement in the killing of Daniel Morgan was lost.'*[425]

241. Hazel Blears has informed the Panel that she carefully considered the matter before responding to the family.[426]

242. On 08 December 2004, Minister Hazel Blears MP wrote to Isobel Hülsmann's solicitor explaining that she had considered the representations made by him, and material provided to her by all the organisations which had been involved in the investigations of Daniel Morgan's murder. She concluded: '*I know Mrs Hulsmann* [sic]*, Alastair Morgan and others will be very disappointed by my decision but, having reconsidered the case, I remain firmly of the view that a further inquiry would not be an appropriate course to follow.*'[427]

243. She provided an explanation of this decision, saying in respect of the first investigation that:

> *'They* [the Metropolitan Police] *have acknowledged to me that there were failings in that first investigation and that it was undermined because of the involvement of certain individuals within the investigation team. Also, they accept the standards of investigation in 1987 were much different from those of today. The MPS* [Metropolitan Police Service] *has assured me that all necessary exhibits were taken for forensic examination and that the crime scene was properly protected from the outset.'*[428]

244. However, this was inaccurate. Although the briefing from officials to Minister Hazel Blears MP had explained that forensic opportunities had been missed by the first investigation into the murder of Daniel Morgan, in relation to Jonathan Rees's clothing, and that '*because the investigation team did not immediately identify Rees as a principal suspect in the murder,*

423 Independent Police Complaints Commission *'Request for further briefing in the case of Daniel Morgan'*, HOM000375001, p1, 03 November 2004.
424 Home Office submission to Hazel Blears MP, *'Daniel Morgan'*, HOM000381001, 30 November 2004.
425 Home Office submission to Hazel Blears MP, *'Daniel Morgan'*, HOM000381001, 30 November 2004.
426 Panel interview with Hazel Blears MP, PNL000238001, p1, 13 July 2016.
427 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000380001, p1-2, 08 December 2004.
428 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000380001, p3, 08 December 2004.

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opportunities for detailed forensic examinations in relation to his clothing were missed,'[429] other forensic opportunities had been missed, including, particularly, at the scene of the murder and during the searches conducted by police on 03 April 1987.

245. The Minister also said that:

> *'they* [the Metropolitan Police] *accept that not all alibis had been pursued although as I understand it, one important alibi was checked and verified during the second session by Hampshire Police.*
>
> *'Your other concerns are to do with an alleged involvement of a member of the investigation team in the killing of Daniel and that that person allegedly was protected by other officers; and that there may have been mischief caused by a member of the first investigation team.'*[430]

246. She further stated:

> *'The first investigation does seem to me to have been less than satisfactory in a number of respects. However, I do not believe it should be discounted entirely in the investigations that have been undertaken into the circumstances considering surrounding the killing. In particular, I note that the view that it was fatally flawed rests in large part on the allegation of police corruption and involvement, in the killing. The subsequent investigations unearthed no evidence to support that allegation.'*[431]

247. Of the Hampshire/Police Complaints Authority investigation, the Minister said the following:

> *'It was conducted by an independent force, Hampshire Police. Its remit was broad, and included a focus on allegations of police involvement and corruption*[.] *It was conducted under the supervision of the Police Complaints Authority. They were satisfied with the investigation and so certified.'*

She declared herself to be *'satisfied that this was a thorough and effective investigation.'*[432]

248. Minister Hazel Blears MP said in the letter that both Hampshire Constabulary and the Independent Police Complaints Commission (who held the Police Complaints Authority files for the period from 1988-1989) had *'confirmed that there was no change at any time to the terms of reference for the investigation and, therefore, the focus of the investigation was not lost.'* The letter continued,

> *'*[n]*o links of involvement of any police officers were found and the investigating officer concentrated his investigation on police officers. Within three months, he had interviewed all the necessary officers but still found nothing substantive to link a police officer with the killing of Daniel and was unable to substantiate the evidence given by Kevin Lennon to the Coroner. For that reason, no officer was interviewed under caution.*

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429 Home Office submission to Hazel Blears MP, *'Daniel Morgan'*, HOM000381001, p8, 30 November 2004.
430 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000380001, p3, 08 December 2004.
431 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000380001, p3, 08 December 2004.
432 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000380001, p4, 08 December 2004.

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'Both the MPS [Metropolitan Police Service] *and Hampshire Police have confirmed that Alan Wheeler had never worked for the MPS and that he had spent the whole of his service with Hampshire.'*[433]

249. Operation Nigeria/Two Bridges was described in the letter as '*a covert investigation in order to gather evidence of the killing and into allegations of police corruption*'. The Minister said of it: '[t]*hat it was conducted by the MPS* [Metropolitan Police Service] *does not seem to me to undermine its usefulness or effectiveness as an investigation*'.[434]

250. Operation Nigeria/ Two Bridges was actually an intelligence-gathering operation. It was not resourced or conducted as a murder investigation. To this extent, the letter was inaccurate. The Panel does not accept the description in the Minister's letter of either the Morgan One Investigation or the Hampshire/Police Complaints Authority Investigation.

251. Of the Abelard One/Morgan Two Investigation, the Minister said:

'The CPS [Crown Prosecution Service] *considered the recommendations for prosecutions of certain individuals made following the fourth* [Abelard One/Morgan Two] *investigation and the preparation of the Zinzan/Cook report. Their judgement was that the evidence was insufficient to support such prosecutions.'*[435]

252. The Minister then referred to the Inquest, saying:

'[I]*t is also correct that when the Coroner said he found no evidence whatsoever in his inquest to point to any police involvement in this killing, he had relied mainly on the first investigation. However, he was aware of DS Fillery's involvement in the investigation and his association with Rees. Also, he had noted the thoroughness of the investigation by the number of statements taken, said to be over 1000. Finally, it is evident that the Coroner's inquest was itself a thorough one which heard from over 70 witnesses and which, to a large extent, must have supported the findings of the first investigation.'*[436]

The figure of 70 witnesses is open to misinterpretation. The Coroner may have read statements from 70 witnesses, but 34 witnesses were scheduled to be called at the Inquest into Daniel Morgan's death. Of those, two did not attend.

253. The Minister concluded:

'So the position is that there have been a series of investigations into the circumstances of the death, and into possible police corruption. That allegation of police involvement in the murder and a cover up was made at the Inquest by a witness reporting a conversation with Daniel's business partner Mr Rees. The fact is that the series of investigations has not provided evidential support for that allegation sufficient to support any prosecution, or indeed any plausible evidence of police corruption.

433 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000380001, pp4-5, 08 December 2004.
434 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000380001, p5, 08 December 2004.
435 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000380001, p5, 08 December 2004.
436 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000380001, p6, 08 December 2004.

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'Whilst I understand the concerns raised about the investigations, I have concluded that, taken together, those investigations have been effective.'[437]

254. The family of Daniel Morgan were very disappointed by the decision not to hold a public inquiry. Although the Panel accepts that the Minister was responding on the basis of the information provided to her, the Panel has established that there were significant deficiencies in the investigations.

7 The 2006 Report to the Metropolitan Police Authority

7.1 Background to the 2006 Report by DAC John Yates

255. Following the refusal by the Home Office Minister, Hazel Blears MP, to order a public inquiry into the police handling of Daniel Morgan's murder,[438] Alastair Morgan and Isobel Hülsmann decided that they would raise the case with the Metropolitan Police Authority to seek an investigation into the suspected mishandling, collusion and cover-up in the police investigations into Daniel Morgan's murder.

256. A meeting was held on 19 May 2005 between members of Daniel Morgan's family, the Chair of the Metropolitan Police Authority, Len Duvall, and a Metropolitan Police Authority representative, Jeannette Arnold.[439] Following this, Len Duvall wrote to Alastair Morgan on 14 July 2005 proposing that the Metropolitan Police Authority commission a report by the Commissioner of the Metropolitan Police[440,441] (see Chapter 7, The 2006 Report to the Metropolitan Police Authority).

257. Metropolitan Police Authority Chair, Len Duvall, also proposed that there should be an independent review of all case papers of the investigation into the murder of Daniel Morgan by an experienced barrister,[442] after the report from the Metropolitan Police had been received (see Chapter 7, The 2006 Report to the Metropolitan Police Authority).

258. On 27 October 2005, the Metropolitan Police Authority formally decided to require the Commissioner to report to the Authority at its January 2006 meeting, in public session,[443] on the murder of Daniel Morgan and the subsequent investigations. It was recorded that the report would be shared with the family of Daniel Morgan and that their comments would be received and considered by the Metropolitan Police Authority.[444] Following consideration of the report from the Commissioner, and the comments of members of the family, the Metropolitan Police Authority would engage a barrister to independently review the case papers.[445]

437 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000380001, p6, 08 December 2004.
438 Letter to Bhatt Murphy solicitors from Hazel Blears MP, HOM000052001, p5, 08 December 2004.
439 Metropolitan Police Authority Agenda Item 10, *'The Murder of Daniel Morgan'*, MPA000004001, p3, 27 October 2005.
440 Letter from Len Duvall to Alastair Morgan, PNL000103001, p304, 14 July 2005.
441 Section 22(3) of the Police Act 1996 was the provision that *'*[t]*he chief officer of police of a police force shall, whenever so required by the police authority, submit to that authority a report on such matters as may be specific in the requirement, being matters connected with the policing of the area for which the force is maintained'*.
442 Letter from Len Duvall to Alastair Morgan, PNL000103001, p304, 14 July 2005.
443 Metropolitan Police Authority Agenda Item 10, *'The Murder of Daniel Morgan'*, MPA000004001, p3, 27 October 2005.
444 Metropolitan Police Authority Agenda Item 10, *'The Murder of Daniel Morgan'*, MPA000004001, p3, 27 October 2005.
445 Metropolitan Police Authority Agenda Item 10, *'The Murder of Daniel Morgan'*, MPA000004001, p3, 27 October 2005.

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259. The Metropolitan Police Authority's Chief Executive, Catherine Crawford, then wrote to Commissioner Sir Ian Blair, stating that the Metropolitan Police Authority had agreed to receive the report at its meeting on 26 January 2006, that members of Daniel Morgan's family would be given the opportunity to view the report and to submit comments to the Metropolitan Police Authority, and that the report would therefore need to be completed, or substantially completed, by the end of December 2005.[446] The Terms of Reference for the report are set out in Chapter 7, The 2006 Report to the Metropolitan Police Authority.

7.1.1 January 2006: The rejection of the initial version

260. The '2006 Report' was submitted to the Metropolitan Police Authority on 31 January 2006. When presenting the report to the Metropolitan Police Authority, DAC John Yates, who had responsibility for the report, expressed his reluctance to make it public. He referred to the potential new and significant enquiries, he noted the family's potential reaction and he outlined the potential damage to any new investigation if the 2006 Report were to be released into the public domain.[447]

261. Upon receiving the report, the Metropolitan Police Authority rejected it. A BBC News article of 03 February 2006 cited a letter sent to Alastair Morgan, in which the Metropolitan Police Authority was quoted as stating that the report was not adequate and that it would not be accepted.[448]

262. The BBC News article also included a response from a Metropolitan Police spokesperson, who said '*we have been made aware of the concerns of the chair of the MPA* [Metropolitan Police Authority] *and will seek to address these in due course*'.[449] The Metropolitan Police Authority records relating to this matter are no longer available.

7.1.2 10 February 2006: A meeting of the Metropolitan Police Authority with members of the family

263. The Metropolitan Police Authority, represented by its Chair, Len Duvall, and David Riddle, Deputy Chief Executive and Solicitor for the Metropolitan Police Authority, met with members of Daniel Morgan's family and others to discuss the initial 2006 Report, on Friday 10 February 2006.[450,451] After a short discussion, DAC John Yates presented the report, which had been prepared for him by DCS David Cook. D/Supt David Zinzan joined the meeting. Members of the family were not presented with a copy of the report at this meeting. Notes taken for Alastair Morgan recorded that the family were told that further work was required on the report; that it was not sufficiently '*robust*'; that it was not '*backed up*'; and that it could not go into the public domain while the investigation into Daniel Morgan's murder was ongoing. When asked by the solicitor acting for Isobel Hülsmann and her family for a timescale for the revised report, DAC Yates reportedly proposed that it would be sent to Len Duvall at the end of March.[452]

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446 Letter from Catherine Crawford to Sir Ian Blair concerning the murder of Daniel Morgan, 03 November 2005; available online at www.policeauthority.org/metropolitan/work/cases/morgan/index.html.

447 Letter from DAC John Yates to Len Duvall, MPS094332001, p23, 31 January 2006.

448 BBC News Online, *'Met chief murder report rejected'*, 03 February 2006.

449 BBC News Online, *'Met chief murder report rejected'*, 03 February 2006; available at: http://news.bbc.co.uk/1/hi/wales/mid/4677472.stm.

450 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, pp30-35, 10 February 2006.

451 David Riddle referred to as Peter Riddle in the note.

452 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p34, 10 February 2006.

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264. During the meeting, DAC John Yates reportedly disclosed to the family members present the existence of a new lead. Alastair Morgan's notes record that DAC Yates described the new lead as having the potential to be '*enormously productive*', and potentially a '*golden thread*' D/Supt David Zinzan reportedly stated that it could provide the opportunity to bring the case to trial.[453] It was for these reasons that the 2006 Report could not be in the public domain, as it would be prejudicial to any ongoing investigation.

265. DAC John Yates also reportedly indicated that a new investigation would use '*triggers*' which might involve members of Daniel Morgan's family. Alastair Morgan's notes recorded that DAC Yates acknowledged that the family might believe that the Metropolitan Police were '*putting up the defences*', and that they had '*heard it before, for 19 years*'. According to the notes, DAC Yates requested that Daniel Morgan's family accept his experience in dealing with corruption, and even though they had '*every right not to trust police*', he said that the new lead had '*very significant potential*'.[454]

266. D/Supt David Zinzan was recorded as saying that he had '*seen what is being referred to*' and that he would not '*come here if* [he] *didn't think there was a significant way forward*'. He went on to state that '*this could give us an opportunity for a trial*'.[455]

267. Members of Daniel Morgan's family understood that DCS David Cook would lead the proposed investigation, overseen by DAC John Yates. DS Richard Oliver was to be Family Liaison Officer, and family members present were given the choice to change this if they wanted. The family were informed that all proposed members of the investigation team would be vetted appropriately, drawing upon the Metropolitan Police Professional Standards Department. The family were to be briefed on key information by DAC Yates or DCS Cook. It was understood that the family should know everything there was to know, unless there was a good reason not to inform them.[456]

7.1.3 April 2006: Revisions to the report to the Metropolitan Police Authority

268. A revised version of the report was submitted on 07 April 2006.[457] It was accepted by the Metropolitan Police Authority.

269. The Panel compared the content of the initial report of 31 January to the revised report of 07 April (which is described as 'the 2006 Report' in this Report). All substantive additions and alterations are summarised and analysed by the Panel in Chapter 7.

270. The option to elect an independent barrister to review case papers and produce a report was not pursued because a new lead had been identified in 2005, and there were, therefore, grounds for further investigation (see Chapter 7, The 2006 Report to the Metropolitan Police Authority).

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453 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p32, 10 February 2006.
454 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p32, 10 February 2006.
455 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p32, 10 February 2006.
456 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p33, 10 February 2006.
457 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, pp160-213, 07 April 2006

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271. The amended report ('the 2006 Report') was provided to Alastair Morgan and Isobel Hülsmann via their solicitor on 10 April 2006.[458] In an accompanying letter to Alastair Morgan's and Isobel Hülsmann's solicitor, David Riddle of the Metropolitan Police Authority requested that they should respect the confidentiality of the report and not disclose any of its content to any third party.[459]

272. Referring to the presence of police corruption in earlier investigations, David Riddle stated:

> *'This was a deplorable episode in the history of the MPS* [Metropolitan Police Service]*, and it is deeply regrettable that the family have not seen anyone brought to justice as yet; a situation made worse through the probable fact that some of those entrusted to uphold the law may have deliberately undermined the initial investigation.'*[460]

273. David Riddle's letter expressed commitment to providing an apology from the Metropolitan Police for past mistakes. It continued:

> *'Len Duvall has previously asked your clients for their views on how an apology from the MPS* [Metropolitan Police Service] *could most suitably be delivered, and we await hearing from them or you about that.*
>
> *'The MPS remain determined to do everything within their power to put matters right and to secure justice is finally achieved for Daniel's murder.'*[461]

274. The letter from David Riddle confirmed that there would be a meeting on 13 April 2006,[462] at which DAC John Yates would provide a briefing on the progress of the investigation, and comments would be invited on the '*MPS* [Metropolitan Police Service] *Report* [sic]'.[463] The meeting on 13 April 2006 was attended by the Metropolitan Police Authority, Metropolitan Police, Alastair Morgan, his partner and his solicitor. Before it started, notes taken by Alastair Morgan recorded that it was clarified that DCS David Cook was working part-time on the Daniel Morgan case.[464]

275. Alastair Morgan's notes reveal that during the meeting several matters were discussed in relation to the progress of the investigation.[465]

276. These notes reveal an unprecedented level of information exchange and consultation between the Metropolitan Police and Daniel Morgan's family regarding the details of the case.

458 Letter from David Riddle to Raju Bhatt, MPS094332001, pp6-7, 10 April 2006.
459 Letter from David Riddle to Raju Bhatt, MPS094332001, p6, 10 April 2006.
460 Letter from David Riddle to Raju Bhatt, MPS094332001, p7, 10 April 2006.
461 Letter from David Riddle to Raju Bhatt, MPS094332001, p7, 10 April 2006.
462 Letter from David Riddle to Raju Bhatt, MPS094332001, p7, 10 April 2006.
463 Letter from David Riddle to Raju Bhatt, MPS094332001, p7, 10 April 2006.
464 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p36, 13 Apr 2006.
465 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, pp36-44, 13 Apr 2006.

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277. Alastair Morgan's notes record that the issue of publication of the 2006 Report was discussed at the meeting. Alastair Morgan's and Isobel Hülsmann's solicitor asked if a proposed letter of apology could be '*incorporated into the early stages of the report or in the conclusion where there's no ambiguity*'. DAC John Yates proposed the executive summary as the best place.[466]

278. The additional content added by the Metropolitan Police to their report was general in nature and did not add to an understanding of events between 1987 and 2006 as envisaged in the Metropolitan Police Authority's Terms of Reference. The report's claim that '*all papers*' were reviewed had the effect of misleading members of Daniel Morgan's family and the Metropolitan Police Authority about the depth of the review that took place. Nevertheless, the way in which Len Duvall, as Chair of the Metropolitan Police Authority, handled the process, and the extent to which the family were involved and kept informed, were commendable.

7.1.4 The 2006 Report: References to members of Daniel Morgan's family

279. The 2006 Report stated that members of Daniel Morgan's family were not informed of Operation Nigeria/Two Bridges in its early stages for reasons of *'operational security'*. However, it stated that '*once evidence of criminality started to emerge that suggested a possible impact on Daniel Morgan's murder then discussions with the family took place*' and that '*the Morgan family and their solicitor* […] *have been constantly briefed on almost all aspects of the case and to a degree, as previously described, the level of information given has been unprecedented*'.[467]

280. The members of Daniel Morgan's family were not '*constantly briefed on almost all aspects of the case*'. They were briefed only after, and not before, the 02 July 1999 publication of the *Daily Telegraph* article about the murder. They were briefed on 15 and 22 July 1999 only after their solicitor had contacted the Metropolitan Police.

281. With reference to the report of the Hampshire/Police Complaints Authority Investigation, the 2006 Report stated that '[t]*he family had for some time asked for sight of the Hampshire PCA* [Police Complaints Authority] *report. This was initially resisted by the MPS* [Metropolitan Police Service]. *However, in 2003, prior to the issue being taken to Judicial Review, the PCA Report was handed over.*'[468]

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466 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p44, 13 Apr 2006.
467 Report to the Metropolitan Police Authority by DAC John Yates, p208, para 288, MPS109479001, 07 April 2006.
468 Report to the Metropolitan Police Authority by DAC John Yates, p208, para 289, MPS109479001, 07 April 2006.

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282. The Metropolitan Police had resisted providing members of Daniel Morgan's family with access to the report prepared by the Hampshire/Police Complaints Authority Investigation for over 14 years. A judicial review had been lodged in 2002. The Metropolitan Police had eventually agreed to hand over the report and, on 04 July 2003, the judicial review was settled on grounds ordered by the High Court: that disclosure of the report would be made, subject to redactions and conditions. It was only in 2005 after further judicial proceedings were proposed that the unredacted report was disclosed – 18 years after the murder of Daniel Morgan. The 2006 Report's reference to the Metropolitan Police's initial resistance to providing the report of the Hampshire/Police Complaints Authority Investigation to the family was a considerable understatement of the facts.

7.1.5 The 2006 Report: Views of David Riddle and Len Duvall

283. David Riddle, former Deputy Chief Executive and solicitor to the Metropolitan Police Authority, was interviewed by the Panel regarding the 2006 Report, including the cooperation of the Metropolitan Police, their Terms of Reference and specifically the rejection of the initial report.

284. David Riddle said:

i. The Metropolitan Police's mindset at the time of the report in relation to the Morgan One Investigation in 1987, was that the investigation had been conducted based on the standards at the time in 1987.

ii. Len Duvall had made the case his '*personal crusade*' and he received a lot of support from Metropolitan Police Authority members.

iii. He did not detect anything other than sympathy towards the family from Metropolitan Police Authority members.

iv. Members of Daniel Morgan's family were treated well by the Metropolitan Police Authority, and he held Isobel Hülsmann, Daniel Morgan's mother, in high regard.

v. Alastair Morgan could be '*unpredictable and sometimes found discussions frustrating and made that known*'.

vi. AC John Yates and Len Duvall were always sincere and respectful towards Alastair Morgan, Isobel Hülsmann and other members of the family, and everyone appreciated what Alastair Morgan and the family had been through for 20 years and how gravely the case reflected on the Metropolitan Police.

vii. That the Metropolitan Police were committed to supporting the family in their search for the truth, that no one from the Metropolitan Police was combative with Alastair Morgan, and that he did not remember anyone being personally critical of Alastair Morgan.[469]

469 Panel interview with David Riddle, PNL000251001, 13 June 2017.

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285. In an additional note provided to the Panel on 14 June 2017,[470] David Riddle said that his experience of working with DCS David Cook was '*completely positive'*. He '*thought he was a good copper, a skilled detective, and someone who was straight with the MPA* [Metropolitan Police Authority] *and the family and who shared the determination to bring the murderers to justice*'.[471]

286. Len Duvall, former Chair of the Metropolitan Police Authority, in interview with the Panel, said:

i. One question he asked himself was why a public inquiry had never been established. The family had asked for his support to get a public inquiry and to obtain information from the police. Some senior elements of the Metropolitan Police did not want the case re-opened.[472]

ii. It appeared that there were still issues of corruption within the Metropolitan Police and that elements of the Metropolitan Police agreed and were prepared to deal with this.[473]

iii. It had become clear to him that the Home Office was not going to establish a public inquiry.[474]

iv. He considered there was a need to '*draw a line*' under the case from the police point of view and that the family '*needed closure*', and so he requested a report under the provisions of section 22 of the Police Act 1996.[475]

v. He and Metropolitan Police Authority members (some of whom were very supportive of Len Duvall's stance, others less so, he said) did not want to over-promise what they could achieve.[476]

vi. Regarding the rejection of the initial report, the tone had been that '*everything was alright'*, which was not acceptable.[477] There were still questions to be answered, and the family deserved answers. He had read through the first two pages and '*lost the plot telling the Metropolitan Police that the report was not going to be discussed any further and that it must be worked on again*'.[478]

8 The Abelard Two Investigation

287. The Abelard Two Investigation began in March 2006[479] following the identification of a new significant witness, James Ward, in 2005.

288. In a telephone call on 15 May 2006 in which Alastair Morgan requested an update visit for Isobel Hülsmann, DCS David Cook told him that a '*significant event*' would occur on 22 May 2006 but stated that its evidential value could not be assessed for several weeks.[480] In the

470 Panel interview with David Riddle additional note, 14 June 2017.
471 Panel interview with David Riddle additional note, p4, 14 June 2017.
472 Panel interview with Len Duvall, PNL000252001, p1, para 5, 20 July 2017.
473 Panel interview with Len Duvall, PNL000252001, p1, para 5, 20 July 2017.
474 Panel interview with Len Duvall, PNL000252001, p2, para 7, 20 July 2017.
475 Panel interview with Len Duvall, PNL000252001, p2, para 7, 20 July 2017.
476 Panel interview with Len Duvall, PNL000252001, p2, para 7, 20 July 2017.
477 Panel interview with Len Duvall, PNL000252001, p3, para 14, 20 July 2017.
478 Panel interview with Len Duvall, PNL000252001, pp2-3, para 13, 20 July 2017.
479 Index Policy File, MPS071795001, p2, 31 March 2006.
480 Message M52, MPS072786001, p1, 15 May 2006.

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call, DCS Cook referred to preparatory work for re-examination of exhibits, but had '*no further update*'.[481] He told Alastair Morgan that he was concerned that speaking to his mother when he had no update would upset her and raise expectations, but he stated that '*when something significant happens*' the family would '*be informed without question*'.[482]

289. On 30 June 2006, Sarah Morgan was told of the Abelard Two Investigation, and was introduced to her Family Liaison Officer, DC Caroline Linfoot.[483] At a follow-up visit to the Abelard Two offices, Sarah's brother Dan Morgan was provided similar details of the investigation on 06 July 2006.[484] Iris, Sarah, and Dan Morgan expressed a wish to be informed of significant stages of the investigation, but Sarah Morgan also indicated that her mother found the situation hard to deal with. Family liaison notes from a visit on 07 September 2006 identified that Iris Morgan's '*main concern is that any investigation was completed and successful as she does not want her children to have to deal with future further investigations if this one* [the Abelard Two Investigation] *fails*'.[485]

290. The Panel was unable to obtain family liaison logs for Alastair Morgan, Isobel Hülsmann, or Jane Morgan. Former DCI Noel Beswick responded to a Panel request for such logs by stating that they may not exist for Alastair Morgan and Isobel Hülsmann '*because of the unusual nature of this enquiry*' and that DCS David Cook '*took primacy*' in dealing with Alastair Morgan, with whom DCS Cook spoke '*almost daily*'. Former DCI Beswick also stated that a Detective Constable maintained contact with Isobel Hülsmann.[486]

291. As Senior Investigating Officer, DCS David Cook should not have been acting as a Family Liaison Officer under any circumstances. Notes should have been made of all contact with members of Daniel Morgan's family. The manner in which family members were treated during this period continued to improve and was notably better, in the view of the family, than their experiences during the earlier investigations (see Chapter 8, The Abelard Two Investigation).

8.1 The initial meeting with the Crown Prosecution Service

292. Members of the family met Stuart Sampson, the principal Crown Prosecution Service Prosecutor responsible for Abelard Two on 06 July 2006.[487] The meeting was attended by Isobel Hülsmann, Alastair Morgan and his partner, Jane Morgan, and their solicitor, and by representatives of the Metropolitan Police, the Metropolitan Police Authority and the Crown Prosecution Service. The meeting was led by DAC John Yates.[488]

293. Alastair Morgan's notes record that Stuart Sampson outlined his role and stated that '*it's my decision whether to go ahead or not*' with the prosecution. Notes recorded that he stated that as a result of the history of the case there was a '*huge amount of paper work to go through.*' He said that because of the large volume of the material, there were likely to be three

481 Message M52, MPS072786001, p1, 15 May 2006.
482 Message M52, MPS072786001, p1, 15 May 2006.
483 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS102357001, p10, 30 June 2006.
484 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS102357001, p14, 06 July 2006.
485 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS102357001, p23,07 September 2006.
486 Email from DCI Noel Beswick to DMIP Secretariat, SS303, 03 December 2015.
487 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, pp49-53, 06 July 2006.
488 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, pp49-53, 06 July 2006.

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Counsel working on the case. He would advise the police on what could or could not be done. It was emphasised that the difficulty would be in assessing the line of defence which would be taken in light of the evidence. The advantage of involving the Crown Prosecution Service at this early stage was that they could begin examining key information. He explained the next important stage would be charging, but this could only be done once fully prepared.[489]

294. The solicitor acting for Isobel Hülsmann and her family described his clients' negative experience previously with the Crown Prosecution Service stating that it had taken eight months before they were provided with an explanation of the Crown Prosecution Service decision not to prosecute in the Abelard One/Morgan Two Investigation. Stuart Sampson said, '*if we decide not to proceed* [there] *will be prompt explanation*'. Although Isobel Hülsmann, Alastair Morgan and Jane Morgan's key point of contact was the police, they were assured that Stuart Sampson would readily answer major questions which might arise.[490]

295. DCS David Cook spoke in detail with Isobel Hülsmann, Alastair Morgan and Jane Morgan about the importance of examining all the information coming forward from the new witness, James Ward. Alastair Morgan's notes record DCS Cook to have stated that:

- because the new witness was a criminal, there was a necessity to '*attach substance*' to his evidence;
- the new witness appeared to be standing up to scrutiny;
- the new witness had clearly stated '*the key suspect*' had admitted to killing Daniel Morgan;
- the witness had stated that Garry Vian had also been present, although it was not clear whether he was at the crime scene or guarding the entrance to the car park;
- DAC John Yates considered that Garry Vian and his brother were '*bloody dangerous*' and he did not '*want them on the street*';
- as many resources as DAC Yates had were being put into this investigation; and
- steps were being taken in relation to forensics and the examination of exhibits.[491]

296. Alastair Morgan's notes record that Len Duvall told family members that he believed there were opportunities in the Abelard Two Investigation that had not been available previously. Len Duvall suggested that family members visited the incident room. When asked about the investigation timescale, DCS David Cook was reluctant to indicate a timeframe '*because I will be held to it and then I will* [have] *let you down. I'm trying to give regular updates.*' When asked what the family could do to help, DCS Cook said he wanted them to continue maintaining the confidentiality of the investigation.[492]

297. Although family members submitted questions, DAC John Yates believed that answering the questions at that stage would take time away from the investigation. It was decided that the questions would be answered at a later stage.[493] Alastair Morgan's notes also record that DAC John Yates mentioned that he believed an apology for their previous negative experience made

489 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p52, 06 July 2006.
490 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p50, 06 July 2006.
491 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p51, 06 July 2006.
492 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p52, 06 July 2006.
493 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p52, 06 July 2006.

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in public by the Metropolitan Police would serve as a good trigger in terms of drawing attention to the matter again. Isobel Hülsmann's solicitor said that Isobel Hülsmann found it difficult to accept the apology without first being satisfied herself that what was happening was genuine.[494]

298. A further meeting was held on 12 or 14 July 2006 between Alastair Morgan, his partner, his solicitor and DCS David Cook. An update on progress was provided. Alastair Morgan's notes record that they were asked not to take notes and that the information provided was to be '*just between ourselves*'. At this meeting DCS Cook reportedly expressed doubt that the Metropolitan Police would be prepared to use the apology as a trigger to provoke discussion as there would be '*too much politics, protocol and bureaucracy*' and that the publicity would not be welcome at that time.[495]

299. On 27 November 2006, for the third time, Daniel Morgan's death was featured on *Crimewatch*.[496] Isobel Hülsmann contacted the incident room on the same day to express her disgust with the broadcast. She was upset that the original reconstruction was featured, the content of which she believed was obtained from Jonathan Rees.[497]

300. The following day, 28 November 2006, DCS David Cook updated Alastair Morgan on the debriefing of James Ward. Alastair Morgan's notes record that, on the whole, the investigation team had not been able to find anything to undermine James Ward's credibility. The notes record that the family were updated about information from a second witness, Gary Eaton.[498] Gary Eaton had contacted *The Sun*'s news desk, requesting that their Chief Crime Reporter contact him on 22 July 2006.[499,500] This led to Gary Eaton's contact with the Abelard Two Investigation team and his debriefing from August 2006 to December 2007.[501]

301. Isobel Hülsmann and Alastair Morgan were updated about the debriefing of James Ward by their Family Liaison Officer in Wales on 08 December 2006. Notes taken by Alastair Morgan's partner recorded that the Family Liaison Officer conveyed an attitude of commitment and positivity towards the investigation and that his sentiment echoed that of DCS David Cook in a previous meeting.[502] Likewise, Sarah Morgan received updates on enquiries, later court processes and Crown Prosecution Service activities, on 04 January 2007[503] and 01 March 2007,[504] and was in regular contact with her Family Liaison Officer in early 2007[505] and again in late 2007.[506]

302. Members of Daniel Morgan's family were further updated on the progress of the Abelard Two Investigation during formal and informal meetings held by the Metropolitan Police on 26 January 2007,[507] 02 March 2007 and 13 July 2007.[508] No police-recorded notes of the January meeting were available to the Panel, but notes provided by the family revealed detailed

494 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p53, 06 July 2006.
495 Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p55, 12 July 2006.
496 Details of Daniel Morgan Crimewatch Appeal, MPS102803001, p2, 27 November 2006.
497 Message M382, Telephone call from Isobel Hülsmann, MPS107644001, p245, 27 November 2006.
498 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p57, 28 November 2006.
499 Amended defence Jonathan Rees, Glenn Vian and Sidney Fillery v Commissioner of Police of the Metropolis, CIV000001001, p28, 22 December 2015.
500 Record of Debrief Interview with Gary Eaton, MPS109039001 p318, 01 September 2006.
501 Witness Statement of Gary Eaton, MPS076390001, 20 April 2007.
502 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p61, 08 December 2006.
503 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS102357001, p36, 04 January 2007.
504 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS102357001, p40, 01 March 2007.
505 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS102357001, pp34-45, 03 January 2007.
506 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS102357001, pp46-49, 16 August 2007.
507 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, 26 January 2007.
508 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, 2 March 2007.

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discussion of lines of enquiry, the investigative team's approach to evidence provided by the main witnesses, intended future investigative activities, and lines of enquiry concerning alleged police corruption which had been followed up from earlier investigations.[509] As the investigation progressed, new witnesses were identified, a review of forensics occurred and the family received an exceptional amount of information about all aspects of the investigation.

303. DAC John Yates, DCS David Cook and D/Supt David Zinzan were present at the 02 March 2007 meeting. Family members understood from this meeting that DCS Cook believed that there was '*a good case to take forward to the CPS* [Crown Prosecution Service]' although there were potential witnesses who had not come forward because they were too afraid.[510] Alastair Morgan's notes record that during the meeting, family members were updated in relation to progress that had been made with the two key witnesses, James Ward and Gary Eaton, and there was mention of a third potential main witness, Person J5. The notes record that the third potential witness, Person J5, had been identified in December 2006 but this witness was, at that point, unwilling to give evidence. DCS Cook wanted to involve family members by including some information in the forthcoming anniversary press release. Family members understood that nothing to undermine the case had been found to date, but a great deal of material remained to be reviewed.[511]

304. The Metropolitan Police Authority meeting held on 13 July 2007 was attended by DAC John Yates, DCS David Cook, DCI Noel Beswick, Metropolitan Police Authority representatives, Isobel Hülsmann[512] and her solicitor. It followed the submission of a report to the Crown Prosecution Service on 13 June 2007 requesting a charging decision.[513]

8.2 Information received on the arrest of the suspects

305. Jonathan Rees, Glenn Vian, Garry Vian, and James Cook were arrested for the murder of Daniel Morgan on 21 April 2008[514,515,516,517,518] and charged with murder on 23 April 2008. Former DS Fillery was arrested on 21 April 2008 and charged with doing an act tending and intended to pervert the course of justice (see Chapter 8, The Abelard Two Investigation). They were all remanded in custody in the first instance, although former DS Fillery was released on bail in August 2008.[519] Family Liaison Officer, DC Caroline Linfoot informed Iris Morgan and Sarah Morgan of the charges in a telephone call on 23 April 2008[520] and visited them on 15 May 2008. During her visit, DC Linfoot explained that interviews '*had taken place and what had happened*' and informed them of court dates and future phases of the investigation, such as disclosure.[521]

306. Family members were kept up to date with developments relating to the anticipated trial. They were involved in more than ten discussions from October 2008 to January 2009 covering the progress of the pre-trial preparations, the suspects' bail applications, and a possible disclosure hearing.[522] On 21 and 22 January 2009, Alastair Morgan, Isobel Hülsmann and Jane

509 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, 26 January 2007.
510 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, 02 March 2007.
511 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, 02 March 2007.
512 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, 02 March 2007.
513 Abelard Two, Report to the Crown Prosecution Service, MPS103338001, 13 July 2007.
514 Custody record of Jonathan Rees, MPS094329001 pp5-24, 21 April 2008.
515 Custody record of Glenn Vian, MPS094329001 pp34-56, 21 April 2008.
516 Custody record of Garry Vian, MPS094329001 pp57-64, 21 April 2008.
517 Custody record of James Cook, MPS094329001 pp68-99, 21 April 2008.
518 Custody record of Sidney Fillery, MPS094329001 pp25-32, 21 April 2008.
519 Successful bail application of Sidney Fillery, MPS104129001, pp2-4, 06 August 2008.
520 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS102357001, p52, 23 April 2008.
521 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS102357001, p53, 23 April 2008.
522 List of family liaison contact dates and summary, MPS071361001, various dates.

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Morgan were informed by telephone that Mr Justice Maddison had been appointed to the case. They were updated on the disclosure hearing and the possibility that the Defence could apply to postpone the court date, about which they expressed concern.[523]

307. On 30 January 2009, the trial date of 21 April 2009 was postponed as a result of an application made on behalf of James Cook.[524] Isobel Hülsmann, Alastair Morgan and Jane Morgan were informed on the same day and were told that October 2009 would be the most likely date now for the start of the trial. The reason given was to allow the Defence more time.[525]

308. On 06 March 2009, Isobel Hülsmann and Jane Morgan were contacted to discuss the recent postponement of the trial date, and the potential new date, and the possibility of Isobel Hülsmann giving evidence.[526] On 30 March 2009, Isobel Hülsmann expressed her concern that there would be further delays.[527] Despite her concerns, she was reassured that the trial would almost certainly start in October 2009.[528] On 20 March 2009, a new trial start date of 05 October 2009 was set.[529]

309. In response to a telephone call from Isobel Hülsmann on 01 June 2009, DCI Noel Beswick stated that the investigation team were working towards the trial date of 05 October 2009, but he could not guarantee the trial would start on that date.[530] Isobel Hülsmann[531] On 09 June 2009 Isobel Hülsmann was informed that the possibility of her giving evidence at the trial was to be discussed at the next case conference with the Crown Prosecution Service.[532] Family members were also updated about the progress of the enquiry. For example, during the meeting held on 09 June 2009, Isobel Hülsmann and Jane Morgan were told of the forthcoming arrest of Glenn Vian's wife, Kim Vian, and the evidence associating her with the murder weapon (see Chapter 8, The Abelard Two Investigation).[533]

310. The Family Liaison Officer for Iris, Sarah, and Dan Morgan changed from DC Caroline Linfoot to another Detective Constable in June/July 2009.[534,535] The Detective Constable provided them with regular updates through July and September, about the investigation into James Cook and the arrest of Kim Vian.[536]

311. Family members were informed on 25 September 2009 that the trial would not start until 26 October 2009 at the earliest.[537]

8.3 Facilitated communication between family members and Person J5

312. In June 2009, Alastair Morgan wrote a letter to the witness Person J5 expressing trust and confidence in the investigation, and his determination to see his brother's killers brought to justice[538] (see Chapter 8, The Abelard Two Investigation). On presenting the letter to Person J5,

523 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p3, 22 January 2009.
524 R v Jonathan Rees & Others note of hearing, MPS104656001, pp1-4, 30 January 2009.
525 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p4, 30 January 2009.
526 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p4, 06 March 2009.
527 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p4, 30 March 2009.
528 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p4, 30 March 2009.
529 R v Jonathan Rees & Others note of hearing, MPS104966001, p3, 20 March 2009.
530 Message 1422, MPS074383001, p1, 01 June 2009.
531 Message 1422, MPS074383001, p1, 01 June 2009.
532 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p4, 09 June 2009.
533 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p4, 09 June 2009.
534 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS102357001, p53, 12 June 2009.
535 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, p.6 20 July 2009.
536 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, pp15-25, 23 July 2009 – 15 September 2009.
537 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p5, 25 September 2009.
538 Message M1488, *'Updates re Person J5'*, MPS006166001, pp1-2, 25 June 2009.

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a Detective Constable noted that '[t]*he letter, written with strong emotion clearly affected*' the witness, but prompted her to ask several questions concerning the security of the evidence-giving process.[539]

313. DCS Cook should not have facilitated this contact between Alastair Morgan and Person J5. DCS Cook had disclosed too much information about potential witnesses and this resulted in the sending of the letter by Alastair Morgan. A fearful potential witness should not be the subject of persuasion by a relative of a murder victim.

314. On 30 June 2009, Person J5 agreed to give evidence[540] and provided a first statement on 01 July 2009.[541] Isobel Hülsmann and Jane Morgan received an update on Person J5's statement on 07 July 2009, as well as the statement of another new witness, former PC Dean Vian.[542] The content of the statements was explained to family members in relation to what was, and was not, admissible evidence.[543]

315. Person J5 wrote to members of Daniel Morgan's family in August 2009, expressing sorrow for not helping with the enquiry sooner, but saying that they had been scared.[544] Person J5 asked DCS David Cook to pass on the letter to the family.[545] Iris Morgan was told about Person J5's evidence and given a copy of the letter during a family liaison visit on 13 August 2009 which Iris Morgan stated '*meant a lot to her*'.[546]

316. Members of Daniel Morgan's family received unusually detailed information in meetings about the progress of the Abelard Two Investigation. They also received significant sensitive information on the investigative process relating to Assisting Offenders and witnesses. This should not have happened. The family's integrity and adherence to confidentiality in these matters is commendable. However, the provision of this information was highly irregular with potential high risks to the family members and to the witnesses, as well as to the investigative process.

8.4 Further pre-trial preparation updates

317. From the end of August and throughout the autumn of 2009, members of Daniel Morgan's family received regular updates on the obstacles relating to the trial,[547] reasons for the delays to court dates,[548] progress on abuse of process arguments and likely timescale,[549,550,551]

539 Message M1488, *'Updates re Person J5'*, MPS006166001, pp1-2, 25 June 2009.
540 Unused notes of meeting with Person J5, MPS005407001, p1, 26 June 2009.
541 Witness Statement of Person J5, MPS090646001, 01 July 2009.
542 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p4, 07 July 2009.
543 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p4, 07 July 2009.
544 Letter to the Morgan family from Person J5, MPS109175001, p27, 12 August 2009.
545 Letter to DCS David Cook from Person J5, MPS109175001, p30, 12 August 2009.
546 Family liaison log for Iris Morgan, MPS080107001, p1, 13 August 2009.
547 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, pp5-6, 14 November 2007.
548 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, pp30-31, 21 September 2009.
549 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, p33, 13 October 2009.
550 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p5, 30 October 2009.
551 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, p53, 08 January 2009.

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details of court procedure on selecting a jury, and additions to Person J5's evidence.[552] Iris Morgan's Family Liaison Officer discussed and arranged options to assist Iris Morgan in giving evidence.[553]

318. Isobel Hülsmann and Jane Morgan were also informed on 25 September 2009 by their Family Liaison Officer that former DS Sidney Fillery's trial for the offence of doing an act tending and intended to pervert the course of justice would be separate from the other suspects who would be on trial for murder. Both Isobel Hülsmann and Jane Morgan believed '*Dark Forces*' were at work again to protect former DS Fillery. Their Family Liaison Officer discussed the Defence's application to stay the proceedings as an abuse of process and the effect on the trial date, and additions to Person J5's evidence.[554] The separation of former DS Sidney Fillery's trial from the murder trial was consistent with accepted practice for managing cases in the courts.

319. Despite all the preparation, the trial for the Abelard Two Investigation did not commence in October 2009. On 18 January 2010, Sarah Morgan was informed that the new start date for the trial was going to be September 2010.[555]

320. On 15 February 2010, the evidence of Gary Eaton was ruled inadmissible and proceedings against former DS Sidney Fillery, which resulted from evidence given by Gary Eaton, were discontinued.[556,557] Iris Morgan and Sarah Morgan were informed by telephone on the same day.[558] No records are available to indicate when Alastair Morgan, Isobel Hülsmann and Jane Morgan were so informed.

321. On 03 March 2010, the four remaining Defendants – Jonathan Rees, Glenn Vian, Garry Vian and James Cook – were released on bail.[559] Sarah Morgan was informed the same day and told that it was highly unlikely that the Defendants would attempt to contact her.[560] Alastair Morgan contacted the investigation team offices expressing anxiety and requesting police protection.[561] The Metropolitan Police determined that Alastair Morgan was not at risk from the Defendants. Former DCS David Cook informed him of this and identified himself as the point of contact should Alastair Morgan continue to have concerns.[562]

322. The Metropolitan Police kept the members of Daniel Morgan's family informed to an appropriate extent of the trial proceedings and the arrangements for the pre-trial arguments and hearings in court.

552 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p5, 23 August 2009.
553 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, pp35-37, 13 October 2009.
554 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p5, 25 September 2009.
555 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, p55, 18 January 2010.
556 Extract from transcript of discussion between Justice Maddison and Counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, p1, 15 February 2010.
557 Extract from transcript of discussion between Justice Maddison and Counsel regarding exclusion of Gary Eaton's evidence, CLA000128001, p5, 15 February 2010.
558 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, pp57-62, 15 February 2010.
559 Document D4421, Bail conditions set at Central Criminal Court, MPS106387001, pp2-4, 03 March 2010.
560 Family liaison log for Sarah Morgan, MPS080129001, p1, 03 March 2010.
561 Email from Catherine Crawford to AC John Yates, MPS109586001, p57, 04 March 2010.
562 Email from Simon Commander Foy to AC John Yates, MPS109586001, p56, 04 March 2010.

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8.5 28 April 2010: Meeting held with members of Daniel Morgan's family

323. On 28 April 2010, six months after the anticipated trial start date, members of Daniel Morgan's family and their solicitor met with Metropolitan Police Commissioner Sir Paul Stephenson, AC John Yates, and Kit Malthouse, Chair of the Metropolitan Police Authority.[563,564] The meeting was to discuss the family's concerns in relation to the time the case was taking to come to trial at court.[565]

324. Alastair Morgan's notes record that his solicitor explained that '*the family have seen the prosecution unravel over the last 6 months. The assessment they have been driven to is that, for their own sanity, not to pretend that the prosecution is going anywhere.*' The solicitor went on to explain that his clients '*have to look at life after this prosecution*'. He emphasised that '*there is no question of the teams* [sic] *lack of integrity but that they are withed* [sic] *with the decades of what Isobel calls jiggery pokery*.'[566]

325. The notes also record that Isobel Hülsmann said that she thought '*she's in for a "big disappointment" and she can't understand why after 23 years that this is happening. She doesn't know what has gone wrong but that something has gone seriously wrong*.' The family notes record that Kit Malthouse appeared confused as to why the optimism at the previous meeting had changed. The notes record that Jane Morgan explained her disappointment, stating that '*since they last met Fillery has walked and the villains have been bailed so she has no grounds for optimism*'.[567]

326. The notes record AC John Yates as saying that he could not '*begin to imagine what the family have been through*'. He was aware of the challenges of the case and said there was still complete commitment to it, and still the possibility of a trial. Representing them, the police had '*two of the most able CPS* [Crown Prosecution Service] *barristers*' who remained '*of the view that we will get a trial*' and they would '*do everything in* [their] *power to get this to trial*'. The family had the full support of the police and the Crown Prosecution Service; however, in relation to former DS Sidney Fillery, the police were constrained by the decisions the judge had made.[568]

327. Former DCS David Cook reportedly highlighted the complexities of the history of how and when the trial dates had changed. The family notes recorded that the investigation team had received eight to ten disclosure requests a day from the Defence and that they were able to meet the vast majority of deadlines. AC John Yates explained the level of resourcing required. The family said that they had no doubts in relation to the level of commitment to the case.[569]

328. The notes record that the Commissioner, Sir Paul Stephenson, thanked the family for their comment on the integrity of the investigation, and he believed it was *'magnanimous'* of them. He continued:

> *'It's extraordinary that you are willing to say that. Your anguish is palpable and totally justifiable. This is a difficult and complex investigation and it's right there's honesty with us. Your distress has been multiplied over the years.'*[570]

563 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, pp72-74, 28 April 2010.
564 Letter from Raju Bhatt to AC John Yates, MPS109586001, p25, 28 March 2010.
565 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, pp72-74, 28 April 2010.
566 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p72, 28 April 2010.
567 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p72, 28 April 2010.
568 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p72, 28 April 2010.
569 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p73, 28 April 2010.
570 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p73, 28 April 2010.

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329. The solicitor acting for Isobel Hülsmann, and her family stated that his clients had lost confidence in the criminal justice system. The solicitor also said that the review which was promised by the Metropolitan Police Authority in 2006 into the way in which the case was handled had never been finalised. Kit Malthouse responded by saying, '[o]*nce there is a conclusion there will be a full review of the whole process*'.[571]

330. There was an understandable pessimism expressed by members of Daniel Morgan's family. However, the meeting between the family and Commissioner Sir Paul Stephenson and his team was important. It enabled the family to express their views and the Metropolitan Police and the Metropolitan Police Authority to hear and react to their concerns.

8.6 Counsel's concern about the degree of disclosure to the family

331. In July 2010, lead Prosecuting Counsel, Nicholas Hilliard QC, reportedly expressed concerns that the family were receiving too much information about the evidence provided by the key witnesses. He met with family members in the absence of former DCS David Cook.[572] The Panel has not seen any note of this meeting. In an email to Nicholas Hilliard QC on 08 July 2010, former DCS Cook sought to justify the amount of information provided as necessary to maintain the hard-won trust and support of the family, stating that he provided any information that was likely to come into the public domain.[573] He stated:

> *'In 2002 the family were clearly very distrustful of Police but the strategy set by others in terms of almost full disclosure brought about a substantial change, one to which we, as both the investigation team and I believe yourselves as the Prosecution Team now enjoy the full support of the family in our endeavours to bring this matter to a successful conclusion.*
>
> *'When I say "almost full disclosure" I mean just that. I/we do not tell the family everything for naturally there are sensitivities over the identity of informants and some other sensitive techniques, but if it is something that is likely to come within the public domain or be brought out during the course of the trial they are informed, whether that is good news or bad. By doing so we have retained their trust and support, or* [at] *least I believe we have. I do however tell them about the existence of things that we cannot discuss and they have come to respect my decision and judgments in that regards and not press upon certain issues.'*[574]

332. DCS David Cook also stated that Alastair Morgan had independently come to the same conclusions as the investigation team regarding the credibility of key witnesses.[575]

571 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p73, 28 April 2010.
572 Email from DCS David Cook to John Yates, MPS109586001, p2, 08 July 2010.
573 Email from DCS David Cook to Nicholas Hilliard, MPS109586001, pp2-3, 08 July 2010.
574 Email from DCS David Cook to Nicholas Hilliard, MPS109586001, pp2-3, 08 July 2010.
575 Email from DCS David Cook to Nicholas Hilliard, MPS109586001, p3, 08 July 2010.

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8.7 Communication about the pre-trial proceedings and the collapse of the case

333. On 18 November 2010, the Court was informed of the decision not to use Person J5 as a witness and as a result of this James Cook was formally acquitted[576] (see Chapter 8, The Abelard Two Investigation). Before the hearing on 18 November 2010, Iris and Sarah Morgan had been informed during a family liaison visit on 16 November 2010, that the case against James Cook was being discontinued.[577] At the meeting the Abelard Two Investigation also provided details about the Defendants'[578] bail conditions applying to and responded to questions on the status of a range of witnesses.[579] Iris and Sarah Morgan were informed that the investigation team were '*about 95% there*' but the Defence teams were working hard to prevent the case from coming to Court.[580] At the meeting, Sarah Morgan and Iris Morgan commented that they dreaded the family liaison visits because they expected '*bad news*'.[581] They also asked whether the trial was still scheduled for January 2011.[582]

334. On 18 October 2010, the solicitor acting for Isobel Hülsmann and her family wrote to Mr Justice Maddison on behalf of his clients requesting some degree of certainty in the timetable of proceedings, to enable them to '*manage their lives*'. The letter set out the steps that his clients had taken to ensure their availability for the trial, at considerable financial and emotional cost to themselves, including the need to take unpaid leave from work and the prospect of a move to London by Isobel Hülsmann. The letter stated that the uncertainty was compounded by the '*exclusion*' of Alastair Morgan and Isobel Hülsmann from all court proceedings to date.[583] The letter was copied to Stuart Sampson of the Crown Prosecution Service[584] with a request made that it be brought to the attention of the Defence. The solicitor also wrote to AC John Yates on the same day requesting a further meeting to discuss concerns about proceedings, and to address family expectations[585] as set out in the letter to Commissioner Sir Ian Blair on 05 September 2008.[586]

335. Further evidence came to light on 17 January 2011 relevant to the Prosecution's disclosure obligations in respect of James Ward. Legal argument followed between 17 January and 11 February 2011 (see Chapter 8, The Abelard Two Investigation). Family Liaison Officers held a further meeting with Isobel Hülsmann and Jane Morgan on 21 January 2011 to discuss what was happening in Court and the possibility of the start of the trial being delayed further.[587]

336. DI Douglas Clarke informed Sarah Morgan on 24 January 2011 that James Ward had been withdrawn as a witness following the emergence of additional documentary material relating to his criminal history.[588] DI Clarke reassured her that the trial was still feasible. She expressed the belief that the legal system had failed her and the family.[589] Following a phone call from a close family contact, Sarah Morgan contacted DI Clarke on 04 February 2011 with concerns

576 Hearing transcript, p5, 18 November 2010.
577 Family Liaison Log for Sarah Morgan and Iris Morgan, MPS080141001, p1, 16 November 2010.
578 Family Liaison Log for Sarah Morgan and Iris Morgan, MPS080141001, p5, 16 November 2010.
579 Family Liaison Log for Sarah Morgan and Iris Morgan, MPS080141001, p7, 16 November 2010.
580 Family Liaison Log for Sarah Morgan and Iris Morgan, MPS080141001, p8, 16 November 2010.
581 Family Liaison Log for Sarah Morgan and Iris Morgan, MPS080141001, p3, 16 November 2010.
582 Family Liaison Log for Sarah Morgan and Iris Morgan, MPS080141001, p4, 16 November 2010.
583 Letter to Mr Justice Maddison from Raju Bhatt, MPS109592001, pp90-91, 18 October 2010.
584 Letter to Mr Justice Maddison from Raju Bhatt, MPS109592001, pp91, 18 October 2010.
585 Letter to AC John Yates from Raju Bhatt, MPS109592001, p96, 18 October 2010.
586 Letter to Commissioner Sir Ian Blair from Raju Bhatt, MPS109592001, p96, 05 September 2008.
587 List of family liaison contact with Isobel Hülsmann, Alastair Morgan and Jane Morgan, MPS071361001, p6, 21 Jan 2011.
588 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, p111, 24 January 2010.
589 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, p113, 24 January 2010.

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that the court case was not going well and that the trial would not proceed.[590] DI Clarke did not have details but provided more comprehensive updates on 07 February 2011,[591] and the Family Liaison Officer provided further updates on 11 February 2011.[592]

337. On 02 and 03 March 2011, the Metropolitan Police circulated, internally, drafts of a press statement to be read out if the case was dismissed the following week, which included an apology to Daniel Morgan's family.[593]

338. On 09 March 2011, DI Douglas Clarke contacted Sarah Morgan to apologise for not keeping her informed in relation to the recent developments in the investigation. During this conversation, Sarah Morgan was recorded to have stated that she had heard from another family member of the possibility of the trial not going ahead, and she felt that the family liaison team had failed in their obligations to keep her informed of major developments.[594]

339. The Metropolitan Police should have notified Sarah Morgan promptly about the possibility that the prosecution might be discontinued.

340. On 10 March 2011, the Crown Prosecution Service decided to withdraw the evidence against the three remaining Defendants at proceedings scheduled for the following day.[595] The family were informed before the final decision was made.[596] DCS David Cook spoke to Dan Morgan,[597] and DI Douglas Clarke visited Iris Morgan and Sarah Morgan to inform them.[598] DI Clarke gave his personal apology for the failures in the investigation team. He explained the reasons for the failure, including the loss of documentation relating to James Ward, and the final discovery of further material which should have been disclosed previously.[599]

341. Support was offered to the family, and the Metropolitan Police expressed its willingness to share a draft press statement that was to be issued following announcement of the discontinuation of the Prosecution's case. Alastair Morgan was included in discussions about the inclusion of an apology to the family in the press statement. Iris Morgan and her children Sarah and Dan were not included in these discussions and felt excluded from the process. Former DCS David Cook requested that Sarah Morgan, Dan Morgan and Iris Morgan should be *'considered'* in the preparation of any such apology.[600]

590 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, pp116-117, 04 February 2010.
591 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, pp118-119, 120, 07 February 2010.
592 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, pp120-121, 07 February 2010.
593 Internal Metropolitan Police Service email, MPS109592001, pp47-49, 02 and 03 March 2011.
594 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, p126, 09 March 2010.
595 Transcript of hearing, 10 March 2011.
596 Email from Alison Saunders to Commander Simon Foy and DCS Hamish Campbell, MPS109592001, p219, 10 March 2011.
597 Email from DCS David Cook to AC John Yates, MPS109592001, p37, 10 March 2011.
598 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, pp129-130, 10 March 2010.
599 Family liaison log for Iris Morgan, Sarah Morgan and Dan Morgan, MPS105446001, p130, 10 March 2010.
600 Email from DCS David Cook to AC John Yates, MPS109592001, p37, 10 March 2011.

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342. Iris Morgan, Sarah Morgan and Dan Morgan, the immediate next of kin of the victim, Daniel Morgan, should have been included in the discussions regarding the possibility of a public apology being included in the press statement to be issued by the Metropolitan Police.

343. On 11 March 2011, leading Counsel for the Prosecution withdrew evidence against the remaining three Defendants and all three were formally acquitted.[601] The family attended Court to hear the outcome.

344. On 18 April 2011, Kit Malthouse, Chair of the Metropolitan Police Authority, offered an *ex-gratia* payment of £125,000 to Isobel Hülsmann, Alastair Morgan and Jane Morgan to cover out-of-pocket expenses and legal costs incurred in their case, in response to a request made on 12 January 2011.[602] He offered the payment on behalf of the Metropolitan Police Authority and the Commissioner '*in light of the wholly exceptional nature of this matter*', but he added that it was to '*be taken into account*' if a compensation claim was pursued and that the payment was '*to be made without admission of any legal liability*'.[603]

345. On 21 June 2011, the solicitor acting for Isobel Hülsmann and her family replied accepting the offer as an '*interim payment*' against any further compensation claim to cover estimated costs totalling £1,019,407.[604] The letter provided a detailed breakdown of such costs.[605] Following a telephone call on 15 July 2011, the solicitor clarified that his use of the term '*interim payment*' signified only '"*it would be taken into account" upon the consideration of any wider compensation claim on behalf of my clients*'.[606] In a letter dated 25 August 2011, Kit Malthouse informed the solicitor that his letter of 21 June 2011 would be put before the Metropolitan Police Authority's Strategic and Operational Policing Committee for a decision on 13 October 2011.[607]

9 Unwarranted assurances and Metropolitan Police apologies

9.1 False, inaccurate and misleading assurances about the Morgan One Investigation

346. In the years following Daniel Morgan's murder, reassurances were issued to the public, and Daniel Morgan's family, describing the Morgan One investigation as '*adequate*' or '*of the standards of the day*'. These included:

i. DCS Douglas Shrubsole, who reviewed the Morgan One Investigation between October and December 1987, confirmed in a witness statement that he was '*satisfied that all reasonable lines of enquiry had been identified, and that the Investigation was completely thorough and professional*'.[608]

601 Final Hearing Transcript of R v Rees and Others, MPS107449001, p12, 11 March 2011.
602 Letter from Kit Malthouse to Raju Bhatt, MPS109585001, p35, 18 April 2011.
603 Letter from Kit Malthouse to Raju Bhatt, MPS109585001, p35, 18 April 2011.
604 Letter from Raju Bhatt to Kit Malthouse, MPS109585001, pp13-14, 21 June 2011.
605 Letter from Raju Bhatt to Kit Malthouse, MPS109585001, pp18-34, 21 June 2011.
606 Letter from Raju Bhatt to the Metropolitan Police Authority, MPS109585001, p8, 18 July 2011.
607 Letter from Kit Malthouse to Raju Bhatt, MPS109585001, p5, 25 August 2011.
608 Witness Statement of DCS Douglas Shrubsole, MPS003406001, p1, 15 June 1988.

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ii. Sir Montague Levine, the Coroner at the Inquest into Daniel Morgan's death, stated that '*no stone has been left unturned*' by the Morgan One investigation.[609]

iii. The Hampshire/Police Complaints Authority Investigation found that the '*manner in which the* [Morgan One] *investigation was conducted by the Metropolitan Police showed determination to bring those responsible before the court'.*[610]

iv. At a family liaison meeting in 1999, DAC Roy Clark '*explained that although Alastair Morgan would not agree, his assessment of the original MPS* [Metropolitan Police Service] *investigation was that it was good. It had showed a motive for REES and other circumstantial evidence. He felt the investigation was honest and thorough but perhaps not innovative.*'[611]

v. Home Office Minister Caroline Flint MP told Parliament in 2004: '*I am informed that the Metropolitan police accept that the original investigation falls below current investigative standards, but that it was consistent with the standards of the day.*'[612]

vi. Home Office Minister Hazel Blears MP sent a letter on 08 December 2004 to the solicitor acting for Isobel Hülsmann and her family which stated that the Metropolitan Police had '*assured me that all necessary exhibits were taken for forensic examination and that the crime scene was properly protected from the outset*'.[613]

vii. This letter from Hazel Blears MP also stated: '*I have received information about this investigation from Hampshire Police and from the IPCC* [Independent Police Complaints Commission] *which has access to the PCA* [Police Complaints Authority] *files on the case; and am satisfied that this was a thorough and effective investigation* […].'[614]

347. The Morgan One Investigation was not compliant with investigation procedures and policies in 1987. It would have been possible for the Metropolitan Police to identify the Morgan One Investigation's failings, as the Panel has done. The family of Daniel Morgan, Home Office Ministers, Parliament and the wider public have been misled, over a period of many years, as to the quality of the initial investigation into the murder of Daniel Morgan. This was, in part, due to the fact that successive investigations and reviews did not examine the Morgan One Investigation in full.

9.2 Admissions of failure and corruption

348. In the years following Daniel Morgan's murder, allegations were made that former DS Sidney Fillery had in some way subverted the first murder investigation.

609 Transcript of Inquest into the death of Daniel Morgan, Inquest Day Eight, INT000068001, p132, 25 April 1988.
610 Final Report of DCS Alan Wheeler to the Police Complaints Authority, p81, MPS060685001, 04 September 1989.
611 Note of meeting between DAC Roy Clark and Raju Bhatt, MPS046659001, pp10-11, 15 July 1999.
612 Hansard HC Deb, Vol 423, Col 236WH, 06 July 2004; https://hansard.parliament.uk/Commons/2004-07-06/debates.
613 Letter from Hazel Blears MP to Bhatt Murphy solicitors, HOM000380001, p3, 08 December 2004.
614 Letter from Hazel Blears MP to Bhatt Murphy solicitors, HOM000380001, p4, 08 December 2004.

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349. For the reasons set out earlier in this Report, the enquiries into these matters by the Morgan One and Hampshire/Police Complaints Authority investigations were inadequate. In 2003, 16 years after the murder, the Crown Prosecution Service was asked to consider the possibility of charging former DS Sidney Fillery with misconduct in public office.[615] At that time, the Crown Prosecution Service decided not to charge former DS Fillery with any offence on the advice of Counsel.[616] Following the Crown Prosecution Service's 2003 charging decision, the Metropolitan Police began to refer publicly to the Morgan One Investigation as having been '*undermined*' or '*compromised*', although no specific allegations were made against former DS Fillery.

350. The first acknowledgement of any failings in the original investigation into Daniel Morgan's murder is in the letter dated 08 December 2004, from then Home Office Minister Hazel Blears MP to the solicitor acting for Isobel Hülsmann and her family. The letter included the following statement:

> *'*[The Metropolitan Police] *have acknowledged to me that there were failings in that first investigation and that it was undermined because of the involvement of certain individuals within the investigation team.'*[617]

351. When giving evidence to the Metropolitan Police Authority on 27 October 2005, Commissioner Ian Blair stated that '[i]*t's clear that the first investigation was compromised'* and that *'2, 3 & 4 were attempts to reverse that*'.[618]

352. Neither statement, from Minister Hazel Blears MP nor from Commissioner Ian Blair, specified how the investigation was undermined. The Panel therefore asked former Commissioner Blair, now Lord Blair, what he had meant. He explained that it was a reference to the alleged actions of former DS Sidney Fillery.[619]

353. The 2006 Report by the Metropolitan Police to the Metropolitan Police Authority, which had been the responsibility of DAC John Yates (see Chapter 7), also led to an admission of the initial Morgan One Investigation having been undermined by DS Sidney Fillery. A letter to the solicitor acting for Isobel Hülsmann and her family, sent on behalf of the Chair of the Metropolitan Police Authority, Len Duvall, explained that:

> *'DAC John Yates has confirmed that in his professional view this case, particularly in its early stages, suffered significantly from the taint of corruption. In particular, the actions and conduct of ex-Detective Sergeant Fillery (and his potential associates) fell well below that which is expected. DAC Yates personally considers that Fillery was both corrupt and a corrupter of colleagues and others. What he cannot say, to the degree of certainty required, is that he was corrupt around this particular case.'*[620]

354. The 2006 Report observed:

> *'Viewing it from what we now know, Detective Superintendent* [Douglas] *Campbell was not far from the truth. Sadly to prove their suspicions they needed evidence but the*

615 Advice File R v Jonathan Rees, Glenn Vian and James Cook, MPS060058001, p130, 07 March 2003.
616 Counsel Advice by Orlando Pownall QC and Jonathan Rees, MPS062209001, p55, undated.
617 Letter from Hazel Blears MP to Bhatt Murphy Solicitors, HOM000380001, 08 December 2004.
618 Alastair Morgan Folder 12: 'Proposal Before Full Metropolitan Authority Sitting', PNL000110001, p27, 27 October 2005.
619 Panel interview with Lord Blair, PNL000210001, p2, 20 July 2015.
620 Alastair Morgan Folder 11: Metropolitan Police Authority report, PNL000109001, pp1-2, 10 April 2006. Letter from David Riddle

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initial weakness in the investigation had probably led to that being destroyed and no longer available.

'That weakness was the presence of Detective Sergeant Fillery on the murder investigation and his corrupt relationship with the prime suspect Jonathon [sic] *Rees.'*[621]

355. The 2006 Report was never published, although a copy was provided to the family of Daniel Morgan.

356. The first public declaration by the Metropolitan Police of corruption in the context of the murder of Daniel Morgan and its investigation occurred in 2011 following the collapse of the Abelard Two trial. On 11 March 2011, the day the remaining three Defendants were acquitted,[622] DCS Hamish Campbell of the Metropolitan Police's Homicide and Serious Crime Command apologised for the Metropolitan Police's failure to bring those responsible for Daniel Morgan's murder to justice. He stated the following:

'This current investigation has identified, ever more clearly, how the initial inquiry failed the family and wider public. It is quite apparent that police corruption was a debilitating factor in that investigation. This was wholly unacceptable.'[623]

357. Acting Commissioner Tim Godwin echoed that apology in a letter to Daniel Morgan's family. He wrote:

'I am deeply sorry that the MPS has failed to bring to justice those responsible for the murder of Daniel. The MPS [Metropolitan Police Service] *has accepted that police corruption in the original investigation was a significant factor in this failure. As you know, corruption in its various forms formed a major line of enquiry in the most recent investigation.'*[624]

358. The statements above indicate that the Metropolitan Police had a clear understanding that corruption had undermined the Morgan One investigation. However, the precise nature of that corruption has never been fully and publicly explained, nor was it properly investigated.

359. By alleging that corruption was a '*debilitating factor*' in the Morgan One investigation and a '*significant factor*' in the failure to bring those responsible for Daniel Morgan's murder to justice, the Metropolitan Police was able to deflect criticism from the organisation's multiple wider failings. This appears to form part of a pattern of the Metropolitan Police's inability to address past failings honestly and with candour.

621 Report to the Metropolitan Police Authority by DAC John Yates, MPS109479001, p191, para 187, 07 April 2006.
622 Briefing note and press statement by DCS Hamish Campbell, MPS107588001, p3, 11 March 2011.
623 Briefing note and press statement by DCS Hamish Campbell, MPS107588001, p8, 11 March 2011.
624 Letter from Acting Commissioner Tim Godwin to Alastair Morgan, p17, MPS094332001, 30 March 2011.

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9.3 Apologies to the family and recognition of past wrongs

360. On 10 April 2006, Deputy Chief Executive and Solicitor for the Metropolitan Police Authority, David Riddle drafted a letter on behalf of the Chair of the Metropolitan Police Authority Len Duvall to Daniel Morgan's family. The letter was intended to accompany the 2006 Report to the Metropolitan Police Authority. This letter explained the theory held by DAC John Yates that the first investigation had *'suffered significantly from the taint of corruption'*. The letter went on to say:

> *'This was a deplorable episode in the history of the MPS* [Metropolitan Police Service], *and it is deeply regrettable that the family have not seen anyone brought to justice as yet; a situation made worse through the probable fact that some of those entrusted to uphold the law may have deliberately undermined the initial investigation.'*[625]

361. Even then, this draft letter of apology was not issued to members of the family until 2008 following further requests for an apology. On 05 September 2008, the solicitor acting for Isobel Hülsmann and her family wrote to Commissioner Sir Ian Blair with reference to a forthcoming meeting with the Commissioner and DAC John Yates.[626] His letter acknowledged the progress made by the investigating team under former DCS David Cook, DAC Yates and the Commissioner.[627] It referred also to the damage done in previous years.[628] The letter set out some words prepared by his clients, relaying their expectations of what the Metropolitan Police should acknowledge in any forthcoming apology:

> *'We require the Metropolitan Police to acknowledge that from the outset they deliberately turned their backs on the clear available evidence of police involvement in relation to Daniel's murder; that they colluded in the ensuing cover up which was allowed to continue by Hampshire Police and the Police Complaints Authority following the inquest; and that for many years thereafter until 2002, the leadership of the Metropolitan Police deliberately pursued a policy of systematically withholding from us the details of the way they had handled and were continuing to handle the case while denying the obvious in this regard to us, to our political representatives and to the Home Office.*
>
> *'We want the Metropolitan Police to acknowledge the extraordinary burden placed upon us as a family as a result of their failures over the years: the enormous distress and anxiety we have had to endure; the endless amount of time we have had to take out of our lives to lobby our political representatives and the media in order to draw public attention to the alarming state of affairs in which we found ourselves; the acute loss of confidence on our part in our police and political culture; and, not least, the huge expense to which we have been put, not only emotionally, but also materially, both directly and in terms of lost earnings.*
>
> *'We find ourselves compelled and duty bound, as Daniel's family and as citizens of a country in which we have a stake, to pursue whatever course of action is necessary to achieve what we require of the Metropolitan Police, whatever the cost and however long it might take.'*[629]

625 Letter from David Riddle to Raju Bhatt, PNL000109001, pp1-2, 10 April 2006.
626 Letter from Raju Bhatt to Sir Ian Blair, MPS109586001, pp27-28, 5 September 2008.
627 Letter from Raju Bhatt to Sir Ian Blair, MPS109586001, p27, 05 September 2008.
628 Letter from Raju Bhatt to Sir Ian Blair, MPS109586001, p27, 05 September 2008.
629 Letter from Raju Bhatt to Sir Ian Blair, MPS109586001, p28, 05 September 2008.

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362. The terms of an apology were discussed in a meeting between Isobel Hülsmann, Alastair Morgan and his partner, Jane Morgan, Commissioner Sir Ian Blair, AC John Yates (as he now was), and Simon Vile of the Metropolitan Police Authority on 08 September 2008.[630] Alastair Morgan's notes of the meeting record Commissioner Sir Ian Blair as saying:

> *'This case is a stain on our history and I apologise for what the Met has and equally has not done over the years* […]. *It's almost inconceivable that these events could be as recent as 1987. If it had been the 1960's* [sic] *or fifties or forties then.....'*[631]

363. The Commissioner went on to explain that they:

> *'*[c]*an't negotiate terms of public apology until after the trial. Terms will have to be negotiated by lawyers.*
>
> *'Accept there is a huge amount of personal time and personal expense. I accept that it must have seemed like an organisation that didn't want to listen.*
>
> *'The apology will not be the only thing that we will want to provide. We all admire the energy and persistence. There are few family's* [sic] *that will not let go.'*[632]

364. In response, Alastair Morgan mentioned that their '[d]*etermination was spurred on by the reactions of the police and the brick wall and denial*'. The notes record Sir Ian Blair as stating '*I was in charge of internal inquiry in 1993 (Gallery). Think we've got rid of networked corruption. Difficult to see this kind of thing happening now. Not saying it couldn't.*' The notes record DAC Yates stating that '*all serious crime units* [were] *vetted independently*'.[633]

365. Jane Morgan complained that former DS Sidney Fillery had not been charged with Daniel Morgan's murder. The Commissioner explained the difficulties when trying to secure enough evidence for a conviction. Jane Morgan felt that '*the reputation of the Met has been more important than Daniel's life and that's disgusting*'. The notes record that the Commissioner stated '[t]*he person who will make the apology will* [be] *me. I can't promise terms now. I will be as fulsome as I can*. *This organisation very defensive. …. Can't say some things because Met would be sued.*' Family meeting notes record that the meeting concluded with an acknowledgement by the Commissioner, Sir Ian Blair, that '[w]*e are capable of creating that pain*' but that '*the Met is changing*'. He said he was '*really sorry it wasn't a competent inquiry until* [DCS David] *Cook.*'[634]

9.4 March 2009: A meeting with the Mayor of London

366. Isobel Hülsmann, Alastair Morgan and his partner, and Jane Morgan and their solicitor had a meeting with the Mayor of London, Boris Johnson, Kit Malthouse, Jeanette Arnold, Len Duvall and Simon Vile of the Metropolitan Police Authority, AC John Yates and former DCS David Cook on 13 March 2009. The Panel was unable to identify formal Metropolitan Police Authority notes of this meeting and has had to rely exclusively on Alastair Morgan's record of events. Alastair Morgan's notes of the meeting record that AC John Yates stated that '*the case of Daniel's murder was "one of the most disgraceful episodes in the entire history of the Metropolitan Police"*' and '[h]*e added that "this family has been treated disgracefully by the Metropolitan Police"*'. The notes record that former Metropolitan Police Authority Chair, Len Duvall, '*added*

630 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, pp66-68, 8 September 2008.
631 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p66, 08 September 2008.
632 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p66, 08 September 2008.
633 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p66, 08 September 2008.
634 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p67, 08 September 2008.

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that he "wanted to make this a landmark case for the MPS [Metropolitan Police Service] *in the same way as the Stephen Lawrence case". He added that whatever the outcome of the coming trial there should be an inquiry into the way the case was handled by the MPS*.' Jeannette Arnold added her support to this proposal; she stressed that the Home Office had been entirely ineffectual and unhelpful over this matter for many years.[635]

367. The notes provided a summary, from Alastair Morgan, of how he portrayed the case to the Mayor of London, Boris Johnson:

> *'Alastair Morgan attempted to summarise the case from the family's standpoint, pointing out that at the end of the first investigation, the MPS* [Metropolitan Police Service] *had good reason to suspect that Daniel Morgan had been the victim of a contract murder – with police involvement – designed to stop him exposing police involvement in serious crime. He pointed out that only two days before the murder Daniel had told an associate that he did not know whom he could trust in the Met to deal with this corruption. Alastair added that, given the way police handled the case, he could understand his brother's concerns in this respect. He also said that he felt sure that the police's handling of the case contributed to the subsequent corruption crisis ten years later. Alastair also mentioned that the leadership of the Met had consistently misled the Home Office over the case.* […]
>
> *'Boris Johnson expressed astonishment and asked whether corruption was endemic in the MPS. He said that the case reminded him of a film script or a novel.'*[636]

368. Alastair Morgan's notes record that '[t]*he family praised the input of John Yates and David Cook. (However, our experience over many years is that we only find out years later about things that happened in preceding inquiries).*' Jane Morgan mentioned that the family '*had felt very isolated and the MPS* [Metropolitan Police Service] *was a formidable adversary*'.[637]

9.5 March 2011: A public apology

369. Following the acquittal of the remaining Defendants on 11 March 2011, DCS Hamish Campbell, the Head of the Homicide and Serious Crime Command of the Metropolitan Police, made the following statement:

> *'Today the Crown Prosecution Service has decided, after careful consideration, that no evidence will be offered in the forthcoming trial, against those accused of Mr Daniel Morgan's murder. This was a difficult decision to have reached and we recognise the severe disappointment this will cause and how deeply upsetting it is to Daniel's family and friends.*
>
> *'Daniel Morgan was murdered 24 years ago; since that time there have been six separate criminal investigations into his murder and numerous other investigations linked to his death.*
>
> *'Thousands of lines of inquiry have been pursued since 1987 and over ¾ million documents have accrued and been examined. Within this formidable and complex murder enquiry it is deeply regrettable that it has not proved possible to guarantee to the court that all the relevant material has been presented to ensure a fair trial.*

635 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p69, 13 Mar 2009.
636 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p70, 13 Mar 2009.
637 Alastair Morgan Folder 12: Meeting notes 1999 to 2010, PNL000110001, p70, 13 Mar 2009.

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'On behalf of the Metropolitan Police I sincerely apologise to Daniel Morgan's family and it is with considerable regret that a trial cannot proceed.

'This current investigation has identified, ever more clearly, how the initial inquiry failed the family and wider public. It is quite apparent that police corruption was a debilitating factor in that investigation. This was wholly unacceptable.

'Significant changes have occurred since that time, nevertheless there are important issues which we need to examine now in order to understand what led to today's decision.'[638]

9.5.1 31 March 2011: Apology and statement at the Metropolitan Police Authority meeting

370. Acting Commissioner Tim Godwin wrote to Alastair Morgan apologising for the Metropolitan Police's conduct of the investigation. He read the following extract from that letter at a Metropolitan Police Authority meeting on 31 March 2011:

'I am deeply sorry that the MPS* [Metropolitan Police Service] *has failed to bring to justice those responsible for the murder of Daniel. The MPS has accepted that police corruption in the original investigation was a significant factor in this failure. As you know, corruption in its various forms formed a major line of enquiry in the most recent investigation.

'I recognise how important this is to both you and your family and that this is acknowledged publicly. You are entitled to an apology not only for this failure but also for the repeated failure of the MPS, over many years following Daniel's murder, to accept that corruption had played such a part in failing to bring those responsible to justice.

'Furthermore, I am also very sorry that, for many years, your concerns regarding the failure of the MPS to bring those persons to justice were not properly addressed, and they weren't.

'I recognise that this apology cannot alter the deep sense of loss, frustration, anger and distress that you and your family experience and have suffered since Daniel's murder.

'The MPS is a very different organisation now to the one it was at the time of Daniel's murder. That said, we accept that there are lessons to be learnt arising from the discontinuance of the latest trial. To this end, and together with the CPS [Crown Prosecution Service], we are now engaged in a joint review to ensure that relevant issues, particularly in relation to disclosure and the handling of "tainted" witnesses, are understood and addressed as soon as possible. Above all, we recognise the consequences of the repeated failure of the MPS over the years to confront the role played by police corruption in protecting those responsible for the murder from being brought to justice.

'I am deeply sorry for our failure, you have my sympathies. I don't know if they offer any comfort but they are honestly given.'[639]

638 Metropolitan Police Authority briefing note, *'re case of Regina v William Jonathan Rees & Others'*, DLS000039001, pp20-22, 29 March 2011.
639 Letter from Acting Commissioner Tim Godwin to Alastair Morgan IPC001362001 30 March 2011

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371. The two public statements made by the Metropolitan Police admitted only that corruption, occurring during the first investigation of the murder of Daniel Morgan, prevented the successful prosecution of those responsible for the murder. They focused only on one officer, former DS Sidney Fillery.

372. Although the Metropolitan Police apologised for its failure '***to accept that corruption had played such a part in failing to bring those responsible to justice***', there has never been an explanation of what it meant by its various statements about individual police corruption adversely affecting the investigation of Daniel Morgan's murder. This is an extraordinary situation, given that the concerns about police corruption have been the strongest concern (other than the identification of the murderer(s) of Daniel Morgan) of the members of his family and others, and have created enormous public interest in this case.

373. These were the only public apologies issued by the Metropolitan Police to Daniel Morgan's wife Iris, to his children, Sarah and Dan, to his mother, Isobel Hülsmann, to his brother Alastair Morgan, and to his sister Jane Morgan. To date there has been no full public explanation by the Metropolitan Police as to why the lengthy and extremely costly Abelard Two Investigation ended in the acquittal of all the Defendants, some of whom subsequently brought civil actions against the Metropolitan Police and received significant compensation.

374. The multiple police failures over many years, identified in the Panel's Report, and the passage of time mean that it is most unlikely there will be a successful prosecution for Daniel Morgan's murder. The fact that those failures were not made known to the family, despite their attempts to find out what had happened during the investigations, caused further really deep distress to the family, and rapidly growing distrust in the police.

375. Many of the police officers who dealt with members of the family of Daniel Morgan over the years displayed arrogance and a serious lack of respect and professionalism in the way in which they responded to the ongoing attempts of his family to ensure that his murderers were brought to justice.

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376. The Metropolitan Police owe the members of Daniel Morgan's family, and the public, an apology for not confronting its systemic failings, for the failings of individual officers and for its lack of candour to the members of Daniel Morgan's family. In failing to acknowledge its many failings over the 34 years since the murder of Daniel Morgan, the Metropolitan Police's first objective was to protect itself. In so doing it, compounded the suffering and trauma of Daniel Morgan's wife, Iris Morgan, their children, Sarah and Dan Morgan, his mother, Isobel Hülsmann, his brother, Alastair Morgan, and his sister, Jane Morgan.

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Chapter 13: The Morgan Family's Experience: A selection of personal perspectives from the family of Daniel Morgan

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1 Introduction

1. The experiences of Daniel Morgan's family are central to the preceding chapter, Treatment of the Family. However, the Panel thought it was very important that members of the family should have a specific chapter in the Report where they have the opportunity to record how they felt about their treatment.

2. The Panel invited members of the family to give their perceptions of successive investigations and reports and the way in which they felt they had been treated over more than three decades since Daniel Morgan's murder on 10 March 1987.

3. The recollections on the following pages were provided to the Panel by Daniel Morgan's widow, Iris; Daniel and Iris's two children, Sarah and Dan, and Daniel's mother, Isobel Hülsmann, before her death in November 2017. The chapter is largely in the family members' own words, as a collective expression of the acute frustration and series of disappointments that have compounded their grief.

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2 Iris Morgan

4. Iris Morgan was awakened in the early hours of 11 March 1987 to be told of her husband's death. The brutality of how he had died would unfold later. That morning, with a friend's help, Iris Morgan got the children up and ready for school. She told them about their father's death that evening. Iris and Daniel Morgan had been married for just under ten years at the time of his death.

5. Iris Morgan recounted to the Panel her experience of ensuing weeks:

> *'I felt very let down that when something so dreadful had happened to me and the family, there was no one who came in to take your hand or speak to us as a family.' She continued, 'Nobody comes to see you to give you help; it's what they can get from you'.*

Iris Morgan added that:

> *'I had to make choices that would affect my life and my children's lives. There were many difficult experiences, with some for example in social and family support services; those who should have been a support to me in those early days were not so.'*

6. Iris Morgan said it felt as though '*the police almost take away your soul; there were so many personal questions. They make you think that you are a suspect. All they leave you with is terrible pain*.'

7. Iris Morgan said, however, that with time '*it got to the point where the information from the police was always the same and it went in one ear and out of the other*'.

8. The Panel asked Iris Morgan if anyone within the Metropolitan Police nevertheless stood out in her recollections. She considered DCI David Zinzan as one police officer whom she valued and respected. As the officer who led the covert Abelard One Investigation, he is one of only a few whom Iris Morgan casts in a positive light. WDS Christine Fowles, who was a key contact for Iris Morgan during the Morgan One Investigation, and DC Caroline Linfoot, who was assigned as Family Liaison Officer to look after Iris Morgan and her children during the Abelard Two Investigation, were both also acknowledged by Iris Morgan for the support they gave to the family. Iris Morgan believed '*both were wonderful because you can talk to them. Sometimes you just need a friend*.'

9. Iris Morgan's recollection of D/Supt Douglas Campbell, who led the first investigation into her husband's murder, was that '*there was no kindness, there was just nothing*', such that she '*felt the police just did not want to tell me anything*'. At one point when speaking with D/Supt Campbell, Iris Morgan felt she was being '*shouted at*'. Despite this, her impression was that D/Supt Campbell had '*admitted he felt there was corruption and that he did arrest police officers for the murder, but he could not find the evidence to prove it*'.

10. Iris Morgan recalled that she was never invited by D/Supt Campbell to the police station: '*Early on I had one meeting with D/Supt Douglas Campbell because I wanted to know who* [the initials of a person] *was, and I also wanted to know about Daniel's watch*', which, she told police, he had been wearing on the day of the murder.

11. In the weeks that followed, Iris Morgan ensured that the police always came to the family home because she '*felt safe in the house*'. She recalled that DI Allan Jones, who assisted D/Supt Douglas Campbell in the first investigation and whom she has described as '*abrupt*

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and very rude', came to see her with DC Richard Davis, to ask '*various things*'. When Daniel Morgan's missing watch was mentioned, Iris Morgan recounted that DI Jones had said '*he had a watch just like Daniel's and showed it to me*'. This had really upset her.

12. Iris Morgan does not remember when exactly she was told that Daniel Morgan's watch had gone missing, and neither she nor her daughter, Sarah Morgan, believe they have ever been told '*the full story*'. All she knows is that '*it was on his wrist when he left home that morning, I was told it was on his wrist when he was killed, but it was gone by the time he got to the morgue*'.

13. There was confusion about whether Iris Morgan would be called as a witness at the Inquest and she recounted, '*I was a wreck by the time I gave evidence*' at the Inquest.

14. The Panel asked Iris Morgan for her views of the different investigations into her husband's murder. Iris Morgan's recollection of the Hampshire/Police Complaints Authority Investigation was initially positive, describing her first meeting with DCS Alan Wheeler as '*quite good*'. She believed '*that it would all be solved and they would get those who committed the murder*'. The family had said to DCS Wheeler that '*this must be your swan song*' [referring to his forthcoming retirement], but Iris Morgan said '*it never occurred to me that they were to look at police corruption* […]. *Never at any time was I told that they were looking into corruption.*'

15. Recalling the Abelard Two Investigation, Iris Morgan believes that '*David Cook did want the murder solved*'. Iris Morgan also commented that '*there may have been a few promotions in the police or a few lawyers who have nicer cars*', while others, including the family, '*have got nothing out of it*'.

16. In conclusion, Iris Morgan said, '*I've had tunnel vision, that after 30 years there will be an end to it*'. She still feels aggrieved that '*the first investigation got it so badly wrong*'. She has told how, when the letter of apology for the first three investigations was issued, even that '*was hijacked in the media*'.

17. Iris Morgan has said she '*cannot understand how the last investigations and pre-trial were allowed to go on for so many years before they were pulled*'. Speaking about the possibility of corruption in the investigations into her husband's murder, Iris Morgan summarised:

> *'I just want the truth. There's always been an element of empathy but it's never felt like they ever cared. Why did they not stand up against it because it was wrong, not just because there was a spotlight on it?'*

3 Daniel Morgan's children: Sarah and Dan

3.1 Sarah Morgan

18. Sarah Morgan was six years old at the time of her father's murder. She remembers being told about his death with her brother Dan but has said that '*for a long time we were unaware of the details*'. She said her mother '*protected us from most of it*'. Sarah Morgan recounted that she was about 13 or 14 years old when she began to find out what had really happened, and about 15 when she '*began to understand the enormity of it all*'.

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19. Sarah Morgan feels that '*the horror of what happened*' has never left her, and it '*never will*'. She has described that the collapse of the trial of suspects in the murder in March 2011 (foretelling the end of the Abelard Two Investigation) '*was when I was most angry and disillusioned*':

> *'The police let us down once again, and now we will never have the justice and the answers we deserve. No one will ever be held accountable* […]*. This will torment us for the rest of our lives.'*

20. She recalled it was around the time of Operation Nigeria/Two Bridges in 1999 that she started to go to meetings with the police. Sarah Morgan told the Panel that, in the early 2000s, her mother had said '*she did not have the emotional headspace to consume any more of it*', and they had distanced themselves from other members of the family.

21. Sarah Morgan has said her mother '*realised the futility of it and doubted that anything would ever come of it*', continuing that, had her mother engaged with it, '*it would have driven her to the depths*'. According to Sarah Morgan, her mother '*would be tormented by it, having to continually listen to all these lies*'.

22. Sarah Morgan was asked by the Panel about her perceptions of her family's treatment by the police. In considering individuals who had stood out over the different investigations, Sarah Morgan, like her mother, described DC Caroline Linfoot as '*extremely good even though that was not her primary role*', adding that '*there's never been anyone who was trained to deal with the family*'.

23. Sarah Morgan said about former DCS David Cook that she '*could not fault him on his determination*', and that he spoke to them '*with sincerity*'. According to Sarah Morgan, he was '*the only one who left me with the feeling that this might actually come to an end*'.

24. With regard to the most recent, Abelard Two Investigation, Sarah Morgan recalled that they were invited regularly to the Major Incident Room and spoke with key staff, but that when she first went there, '*it didn't make me feel the police were taking the case seriously*'. She had wondered, '*Is this all my Dad is worth?*' Sarah Morgan was to reflect, however, that '*even they seemed shell-shocked when the case collapsed*'.

25. Sarah Morgan also commented, when asked by the Panel about family contact with the police, that '*they* [the family] *did not know what they did not know! So they did not know what to ask!*' Sarah Morgan believes DI Douglas Clarke made an effort to keep them informed, saying that '*even after the case collapsed he would call regularly to check in with the family*'.

26. Sarah Morgan, as well as her brother Dan, noted DS Richard Oliver as having been very kind to the family, but added that '*not all have been like this*'. According to Sarah Morgan, some have '*had no empathy whatsoever. Some were in no way family liaison officers; they appeared to have no understanding of the role they were meant to play*'.

27. Sarah Morgan has said she believes '*some officers were helpful to our mother but none of the family liaison officers spoke to us individually*'. She emphasised how there was '*no consistency*' with the family liaison officers, explaining that there were '*so many changes and every time you had to meet a new person you had to tell them the whole story again*'. According to Sarah Morgan, '*often the family liaison officers seemed totally naive and did not appreciate that the family had lived with this since 1987. With all of them it seemed like it was just a job.*' This sentiment was shared by her brother, Dan Morgan.

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28. When asked by the Panel about her perception of the family's treatment by the media, Sarah Morgan recalled a journalist (and known associate of Jonathan Rees) coming to the family home. Sarah Morgan found the journalist interviewing her mother, the journalist having '*intruded*' on the pretence of writing an article about the murder. Iris Morgan had been unaware of the journalist's connection with Jonathan Rees. Sarah Morgan immediately asked the journalist to leave the family home.

29. She has found it difficult '*listening to all these journalists talking about the murder and the investigations as though they were experts, but they have not had to live through it*'. She has wondered whether the Panel's Report could '*change the way the media behaved*', for example by prompting '*the BBC to think twice before putting out programmes like the recent* Panorama *on police corruption*'. But she doubted whether it would have that effect.

30. In conclusion, Sarah Morgan considered that '*there was always the risk that the family might just look bitter, but I remained outside of that place*'. Sarah Morgan's overriding perspective has been that she is '*just tired of this*' and wants it '*to come to an end*'. She feels '*everything has taken so long, it has been all drawn out*' and seeks '*some closure, including rightful criticism of how the police acted*'. Overwhelmingly for Sarah Morgan, she recognises that '*the people responsible for my father's murder might never face the consequences of it*'.

3.2 Dan Morgan

31. Dan Morgan, who was four years old when his father was murdered, has recalled it was not until he was in his early teens, around the mid-1990s, that he was told details of what had happened. Dan Morgan described how '*Sarah and I were actually aware four or five years before that*', and that they were aware Jonathan Rees '*was associated in some way or at least was involved in a circle of friends and people who had been implicated in the murder*'.

32. He considers that his mother's circumstances '*were not something that the police were concerned about at all*'. He recalled being confused at the time about '*who these men in suits were who would come to the house*' to speak to his mother, adding that '*none of them tried to approach us as individuals*'. He continued: '*There was always a phalanx – there was a blue line, the shields came down and the pikes came through. You could not penetrate the blue line.*'

33. Dan Morgan has said that at times he felt the police '*treated us with contempt*'. He questions, '*Where were the people to look after his mother?*' He believes that '*the police at that time, they must at least have had a vague idea on how to assist and support victims. Even if victim support may not have been as developed as it is now, my Mum as the key victim was totally let down at that point.*'

34. Dan Morgan has said that at certain points it felt as though the family were being '*wound up*' by the police and that '*something good would or was about to happen but then nothing. There were a lot of ups and downs, so much pain and a lot of emotional turmoil.*'

35. He described the attitude from the police as having been '*you come to us for information*', whereas he feels '*the police should have done more to bring the information to us*'. He does not know '*what good all this information would have done, but we were never offered it*'.

36. Dan Morgan reflected that he is '*mystified how institutions that are supposed to protect people can turn a blind eye and get things so badly wrong*', describing the situation as '*institutional dereliction*'. Dan Morgan has said that, as he has grown older, he has come to the

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view that the police '*might have thought that they were trying to do the right thing, but they were merely protecting themselves*'. According to both Sarah and Dan Morgan, '*The real and genuine needs of our mother and the family were never considered.*'

37. With time, Dan Morgan has moved further away from '*the notion that this could ever be sorted out*', alluding to '*false start after false start*'. He adds that '*the hope that the police tried to instil each time led to the inevitable and bigger disappointment when the cases collapsed. The truth never got through all of the noise that had built up surrounding the case.*'

38. In about 2005, his mother had said something that he felt to be poignant: '*She said there is no such thing as justice, only the law.*' Dan Morgan continued, '*I never really had hope that my family would see justice done, just the thought that if the people responsible for my father's murder were ever caught and sentenced, that it would ruin their lives*'.

39. In considering the Abelard Two Investigation into his father's murder, Dan Morgan's view is that, '*with the benefit of hindsight, it was clear that investigation was massively under-resourced. It was like a carbuncle on the extremities of policing.*'

40. Dan Morgan's hope is that '*with the Panel's Report, there would be a State-endorsed document that lays out some of what had gone wrong*'. Poignantly, Dan now considers the future, and his own family:

> *'I do not want this to be in my son's future, I want to be able to show my son the Panel's Report and to say to him, "Look, eventually the State can get it right." That would be good.'*

4 Isobel Hülsmann, Daniel Morgan's mother

41. After the death of Daniel Morgan's own father when he was a child, his mother, Isobel (later) Hülsmann, had moved with Daniel Morgan and his siblings, Alastair and Jane, to live in Wales, and Daniel Morgan held a deep affection thereafter for Wales, even after he had moved away, and met and married Iris. Isobel Hülsmann recounted that, after Daniel and Iris Morgan had begun a family of their own with the births of Sarah and Dan, she knew that Daniel '*adored his children*'.

42. The Panel asked Isobel Hülsmann about her experience of events after the murder of her son. She recalled that she '*did not like the atmosphere at the Inquest*', describing that the part of the Inquest during which the post-mortem was discussed was particularly difficult for her. She said this was not helped by how the Coroner announced: '*I understand that the Morgan family might be squeamish so they can leave the room now.*'

43. Isobel Hülsmann said that she was not shocked that three police officers were arrested in April 1987, but she had been shocked by how she found out: '*On the national news*!' Nevertheless, she recalled, '*I was charged up with hope*' when the arrests were made.

44. When asked by the Panel about her recollection of individuals within the police over the years, Isobel Hülsmann said that she was impressed by DAC John Yates. She described how '*he was extremely polite and was attentive*', making sure she sat where she could hear everyone during meetings. Regarding DCI David Zinzan, Isobel Hülsmann said '*I thought he was OK but would not describe him as over-enthusiastic*'.

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45. Isobel Hülsmann said that she felt '*very much the underdog*' at the meetings with officers from Hampshire Constabulary during the Hampshire/Police Complaints Authority Investigation. She said that she '*felt that they had already pre-judged things when they came to see me*'. DCI Paul Blaker had said '*we go for Rees*', according to Isobel Hülsmann.

46. Isobel Hülsmann recounted vividly the trip that she made to the Home Office, on 18 October 2011, to try to see the Home Secretary, Theresa May MP. She described how she '*felt bold and determined*', exclaiming '*I had a mission!*' She had thought it would be '*the last stand*' that she made, and she lost: Isobel Hülsmann was denied entry to the building and was not allowed to see the Home Secretary. Isobel Hülsmann reflected: '*I knew that I would fail to see the Home Secretary, but I was still going to ask*.' She described getting '*so near, but I was so far*'. She recalled that the press was there and covered her endeavour.

47. When asked by the Panel whether there was anything else that stood out about how the police had treated her, Isobel Hülsmann described most of her treatment as '*just sheer indifference*'. She reflected that '*the police were always certain about who they thought had done it. But was it incompetence, or deliberate incompetence?*'

48. '*For certain*', Isobel Hülsmann said that she thought '*there was police involvement*', and that '*the police wanted to cover that up, and that they did their best to cover it up*'. She said '*it just went from bad to worse*'. She recalled DAC John Yates putting it like this: '*This is the biggest stain ever on the Metropolitan Police.*'

49. Isobel Hülsmann described that '*waiting year after year is so difficult and so frustrating. Even now, I want so much to see justice, but I fear that it will elude me. But I still have hope.*'

50. Isobel Hülsmann died on 23 November 2017.

5 Conclusions: past apologies, the present and looking to the future

5.1 On past apologies

51. The 2006 Report from the Commissioner to the Metropolitan Police Authority concluded that the family were owed an apology. On asking her about this, Sarah Morgan responded that she felt the apology '*was not worth the paper that it was written on*'. According to Sarah Morgan, '*as before, and time after time*', the family became increasingly '*disillusioned*'. She continued: '*The letter of apology is just a piece of paper; the more I read it the more insulting it is that someone can think they can write a letter and think that is ok.*'

52. Sarah Morgan has described the apologies they have received from the police as '*an embarrassment*'. She believes '*the letter of apology from the Metropolitan Police added insult to injury when media reports go on and say that Jonathan Rees went on to earn £150,000 a year*'. According to Sarah Morgan, Jonathan Rees '*has done nothing but profit from the murder and other people's misery*'.

53. Dan Morgan, similarly, has said that the apologies the family received from the Metropolitan Police '*were a disgrace*'. He explained: '*They kept on telling us that there might be a future trial, so they had to be careful about what they told us in an apology.*'

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5.2 On Alastair Morgan, and the present

54. Family members have acknowledged with gratitude the resolve of Daniel Morgan's brother, Alastair Morgan, in seeking answers to the many questions surrounding the undetected murder of his younger brother. Both Dan and Sarah Morgan have said they felt as though the release of information over the years was determined only by the pressure that their uncle, Alastair Morgan, put on the Metropolitan Police and others.

55. Alastair Morgan has taken a prominent role campaigning on behalf of the family. He was asked whether he wished to contribute with his experiences and reflections to the Report but declined to do so. However, his views are well reflected throughout this Report, and he provided the Panel with the manuscript of his book, '*Untold: The Daniel Morgan Murder Exposed*'.

56. Iris, Sarah and Dan Morgan have each said that they '*would not be anywhere*' without Alastair Morgan: his '*tenacity is what got the family to where we are with this today*'.

5.3 On hopes for the future

57. Dan Morgan has said about grieving: '*Now it's a part of my life that I wish I did not have. It would have been easier if investigations 2, 3, 4 had not happened. I do not do grief anymore, I just do anger. I relive my mother's despair. I can deal with my own grief, but I cannot deal with the grief of my mother. I have to relive it time and time again.*' Sarah and Dan Morgan also recognise, in Sarah Morgan's words, that '*nothing is going to bring Dad back*'.

58. Anticipating the Panel's Report and what it might say, Dan Morgan felt that '*the police will only reform if they want to reform. The Report could say all the right things, but the police will only change if they want to, and until they want to, they will not change.*'

59. Dan Morgan has said he hopes that with the publication of the Panel's Report, there will be '*a State-endorsed document that lays out some of what had gone wrong*'. Personally, he suspects that '*some sanity will fly out of the window when the Report is published, and I will have to wait for it to come back*'.

60. Dan Morgan has said he believes that '*this Inquiry is better than an apology from the police* [...]. *I want all the mistakes that the police made to be reported and in the press, so that the Met Police cannot go on keeping it in-house.*'

61. He told the Panel that he views the matter as '*very simple – the Commissioners of the Metropolitan Police from the past twenty or so years should be stripped of their titles and put in the dock*'. According to Sarah Morgan, '*these police officers all seemed to have their own personal career agenda, and justice and good policing was an irrelevance*'. She said she thought '*things in the police are different now*', that there was '*more governance*' in policing, but nevertheless she believes '*there has to be some genuine accountability for the police and there is very little*'.

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62. The Panel acknowledges the tremendous grief that Daniel Morgan's murder caused the members of his family and expresses its deepest sympathy to them: his wife, Iris Morgan, and his children, Sarah Morgan and Dan Morgan; his brother, Alastair Morgan, and sister, Jane Morgan. His mother, Isobel Hülsmann, who sadly died on 23 November 2017, is also very much in our thoughts.

The shock of Daniel Morgan's death was compounded by the fact that he was killed so brutally. It is clear from the Panel's discussions with members of Daniel Morgan's family that their grief, the trauma caused by Daniel Morgan's murder and the trauma resulting from their treatment at the hands of some police officers, and of the Metropolitan Police and other organisations over 34 years, is something that remains with them today.

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Annex A: Methodology: The Panel's approach to preparing the Report

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1 Introduction

2 Engagement with the family of Daniel Morgan

3 The scope and operation of the Terms of Reference

4 Disclosure process

5 Process of analysis

6 Publication

1 Introduction

1.1 Terms of Reference

1. The Daniel Morgan Independent Panel's Terms of Reference were established by the then Home Secretary, Theresa May MP, in May 2013 and published in the Library of the House of Commons. Some members of the family of Daniel Morgan had a significant input into the drafting process. The Terms of Reference are as follows:

1) The murder of Daniel Morgan in March 1987 was a personal tragedy for Daniel's family. In the intervening 26 years, there have been five successive police investigations but no one has been successfully prosecuted or convicted for the murder; and in March 2011 the Metropolitan Police acknowledged '*the repeated failure of the MPS* [Metropolitan Police Service] *to confront the role played by police corruption in protecting those responsible for the murder from being brought to justice*'.

2) In these circumstances, the Government is committed through the work of the Independent Panel to a full and effective review of corruption as it affected the handling of this case and of the treatment of the family by the police and other parts of the criminal justice system. The Metropolitan Police support this review through the Panel process.

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3) The purpose and remit of the Independent Panel is to shine a light on the circumstances of Daniel Morgan's murder, its background and the handling of the case over the whole period since March 1987. In doing so, the Panel will seek to address the questions arising, including those relating to:

- police involvement in the murder;
- the role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption; and
- the incidence of connections between private investigators, police officers and journalists at the News of the World and other parts of the media and alleged corruption involved in the linkages between them.

4) In order to achieve this purpose, the Independent Panel will:

(a) engage with members of the family and take their views into account at all stages in relation to the methodology of its work and the results of its work;

(b) obtain and examine all relevant documentation from all relevant bodies, governmental and non-governmental alike, including but not limited to papers held by;

- The Metropolitan Police;
- The Hampshire Police;
- The Crown Prosecution Service and the Attorney General's Office;
- The Police Complaints Authority (as it was then);
- The Independent Police Complaints Commission;
- Southwark Coroner's Court; and
- The Home Office.

(c) interview and receive relevant information from individuals who are willing to provide that information;

(d) brief members of the family through a final report which would be made available first to the family and then to the public at large;

(e) explain in the final report what the relevant documentation and information reveal about the nature and extent of police corruption in relation to the handling of this case; and

(f) make any recommendations which the Panel concludes should be made as a result of its work, including recommendations for any further investigation or inquiry.

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5) The principles of the Independent Panel's work will be:

   (a) full, genuine and effective participation of the family at all stages of the Panel's work including genuine and full consultation and briefing throughout the process and payment of legal costs incurred on behalf of the family to this end;

   (b) the 'family first' in terms of the release of the Panel's findings and its report;

   (c) exceptional and full disclosure to the Panel of all relevant documentation including that held by all relevant Government departments and agencies and by the police and other investigative and prosecuting authorities;

   (d) maximum possible disclosure of documentation and information by the Panel to the family.

6) The Independent Panel will present its final Report to the Home Secretary who will make arrangements for its publication to Parliament.

7) It is envisaged that the Panel will aim to complete its work within 12 months of the documentation being made available. In the meanwhile, it is also envisaged that the Panel will brief the family incrementally, both on the progress of its work and on its emerging findings. The Panel will finalise these and other aspects of its work after three months when it has been able to assess the scope of its work and the desirability and practicalities of incremental disclosure.

1.2 Panel membership

2. The Daniel Morgan Independent Panel was initially chaired by Sir Stanley Burnton from May to November 2013. He resigned for personal reasons and, in July 2014, Baroness Nuala O'Loan of Kirkinriola in the County of Antrim DBE was appointed to chair the Panel. The Panel had the following members:

- Dr Silvia Casale CMG
- Mr Michael Kellett
- Professor Rodney Morgan (from December 2014)
- Mr Samuel Pollock OBE (from December 2014).

More information on Panel members can be found on the Panel's website.

3. Dr Graham Smith was a member of the Panel between September 2013 and July 2014. The Panel was restricted in its work for a period of six months between March and September 2014 until the new Panel Chair had been identified and was able to commence work.

4. Counsel to the Panel was Kate Blackwell QC, and Solicitors to the Panel were Fieldfisher LLP , whose work was led by Martin Smith. Both provided legal advice to the Panel on conducting its work. The Panel was also supported by a Secretariat led by Nick Hunt from January 2020. Previously it was supported by Lee Hughes, Matt Lewsey, Andrew Dent and Jennifer Chamberlain, all of whom acted as Panel Secretary for varying periods of time.

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1.3 Principles

5. The Panel's work has been conducted in accordance with the principles set out in its Terms of Reference (see paragraph 1). '[F]*ull, genuine and effective participation of the family*' and the '*family first*' principle have been fundamental to the approach of the Panel.

2 Engagement with the family of Daniel Morgan

6. Observing the '*family first*' principle, the Panel sought always to engage with the members of the family of Daniel Morgan with respect and sympathy, seeking to comply consistently with its obligations to the family, while preserving its independence. The Panel met members of the family on a regular basis. There were at least 40 meetings, as well as ongoing communication.

7. The Panel briefed the family on the progress of the Panel's work and invited them to ask questions, provide feedback and comments and advise the Panel of their areas of concerns. The Panel sought always to provide the family of Daniel Morgan with information to help them understand the Panel's work and the processes involved in preparing the Report. A member of the Panel acted as the key contact for family members; initially this was Silvia Casale, and subsequently it was Sam Pollock.

8. Members of the family were asked to provide the Panel with any relevant documentation to inform the Panel's work, especially material relating to the treatment of the family since 1987. In 2013, the Panel was provided with a copy of the manuscript of Alastair Morgan's book, *Untold: The Daniel Morgan Murder Exposed*, which helped it to understand the issues and questions that were important to some members of the family. Appropriate disclosure of documentation requested by members of the family was made with the consent of the document owners, and within the requirements of the law.

9. At all times, while consulting the family and taking into account their representations, the Panel ensured that it retained its independence.

3 The scope and operation of the Terms of Reference

10. The Panel was not established under the Inquiries Act 2005 and therefore had no statutory powers to compel the production of material, to compel witnesses to provide evidence, or to gain access to premises. The absence of these powers meant that the Panel was completely reliant on the goodwill of those from whom it sought information or material.

11. The Terms of Reference stated that there would be '*exceptional and full disclosure to the Panel of all relevant documentation including that held by all relevant Government departments and agencies and by the police and other investigative and prosecuting authorities*'. In some instances, there was complete cooperation. However, this was not always the case. The Panel did not always receive the disclosure which could have been compelled had it had statutory powers.

12. As explained in Chapter 11, the first documents were not made available by the Metropolitan Police until January 2015. Agreement was then reached with all other document holders. The last documents were received from the Metropolitan Police in March 2021. In some instances, no documentation was available.

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13. Special arrangements had to be made to access some material. A Statutory Instrument was passed by Parliament to enable the Criminal Cases Review Commission to release papers to the Panel. These matters are discussed in Chapter 11.

14. The Panel examined all the material supplied by the various organisations, the criminal court and Inquest transcripts, and the judgments, submissions and documents relating to the civil litigation which ensued as a consequence of the conduct of the investigation of the murder of Daniel Morgan.

4 Disclosure process

4.1 Stakeholder identification

15. The Panel approached the organisations with responsibility for the investigations and reviews into Daniel Morgan's murder to request all information held relating to the murder of Daniel Morgan. The Panel also identified additional organisations which held relevant information and arranged for the provision of documents to support its work.

16. Where an organisation had originally owned relevant material but had since been reorganised, abolished or merged, the Panel approached the relevant successor organisation. In some cases, material was available; in other cases, it had been routinely destroyed or could not be found.

4.2 Disclosure agreements

17. As the Panel did not have statutory powers and as a result could only request disclosure, a Protocol on the Disclosure of Information was agreed with material providers, to provide assurance regarding the process by which material was provided to the Panel and the ongoing obligations which the Panel and providers had, particularly with regard to document security, and management.

18. Data Sharing Agreements were also made with relevant organisations. These set out responsibilities between the Panel, providing organisations, and the Panel's information processing provider.

19. Agreements were made with the Metropolitan Police, the National Crime Agency, the Coroner for Inner South District Greater London, Hampshire Constabulary, the Independent Police Complaints Commission (now the Independent Office for Police Conduct), the Home Office, the Crown Prosecution Service and the Criminal Cases Review Commission. News UK declined to sign an agreement but did provide the Panel with some material.

20. The Panel also registered with the Information Commissioner's Office and put in place relevant agreements necessary to meet its responsibilities as a data controller, including a privacy policy and confidentiality agreements. The documents provided were held in confidence. Onward disclosure to members of the family was requested on occasion and only occurred with the consent of the document owner. Members of the Panel and the Secretariat signed confidentiality agreements accordingly.

21. All the relevant organisations were asked to notify the Panel if they found any further documentation, and they were also subsequently asked to confirm that they had searched for, and provided to the Panel, all relevant material.

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4.3 Access to material and redactions

22. The documents provided were uploaded, where appropriate, to the electronic document management system, Lextranet (later Relativity), which was accredited to hold documents with a protective marking up to and including 'Restricted/ Official-Sensitive'.[1] All the Panel's staff had access to this material.

23. Providing organisations were requested to review their material. Some documents were redacted by the provider to enable their storage on Lextranet/Relativity. Organisations providing documents were required to provide the reason for any redaction. The Panel reserved the right to challenge the necessity for any redactions to the electronic copies of documents if it considered that redactions had been applied inappropriately.

24. Access to all documents in unredacted form was provided to Panel members and their lawyers (and later the Panel Secretary). Documents classified as 'Secret' or 'Top Secret', were retained by the owner and access to hard copies of such documents was made available to Panel members and its Counsel (and later the Panel Secretary) in Metropolitan Police premises.

25. Where a document (or part of a document) was subject to a privilege against disclosure or a legal rule which would prevent disclosure to the Panel, a mechanism was developed by which unredacted disclosure of the material in question could be made to the Panel, its solicitor and Counsel. In some cases, legal privilege was waived by the owner. There was ongoing vigilance to ensure that all documents were appropriately handled. Processes were agreed with document providers to ensure that the risk of prejudice to ongoing criminal and/or disciplinary investigations was appropriately managed.

26. Organisations providing documents agreed to ensure that they retained original versions of all documents relevant to the Panel's work and that relevant information was not destroyed.

5 Process of analysis

5.1 Processing of information

27. Government security rules and procedures for the transmission, handling, storage and removal of documents have been followed by the Panel, the Secretariat and all working on Panel matters. Everyone who had access to disclosed documents was appropriately security-cleared.

5.2 Appeals for information

28. The Panel created a website and made a media appeal for information. A dedicated telephone number and email contact address were created to enable those who wished to do so to contact the Panel. Some contact was made with the Panel and some useful information received.

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1 The Government Security Classification Policy came into force on 02 April 2014 and describes how HM Government classifies information assets to ensure they are appropriately protected. It applies to all information that Government collects, stores, processes, generates or shares to deliver services and conduct business. There are three classifications of material - OFFICIAL, SECRET and TOP SECRET. OFFICIAL-SENSITIVE is not a classification: 'SENSITIVE' is a handling caveat for a small subset of information marked OFFICIAL that require special handling by staff. Under the historical Government Protective Marking Scheme, material was divided into UNCLASSIFIED, PROTECTED, RESTRICTED, CONFIDENTIAL, SECRET and TOP SECRET.

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5.3 Method of analysis

29. The Panel and its Secretariat examined documents and other material provided by a range of individuals and organisations. In doing so, the Panel was mindful that the material had been produced in a range of contexts for different purposes in a period spanning over three decades. During this time, expectations of what was considered good practice had changed, and judgements were made in accordance with the standards of the day.

30. The Panel sought information from The National Archives and the Metropolitan Police Archives and other organisations holding historic material. It was important to acquire copies of the legislation, statutory guidance and policing and criminal justice policy and practice, relevant to the Panel's Terms of Reference, to inform the Panel's work. The Panel arranged a series of training events and seminars for its staff to ensure their understanding of these issues.

31. During the period in which the Panel had virtually no access to official documentation (from September 2013 to January 2015), it started its work by examining publicly available open source information and the book manuscript provided to the Panel by Alastair Morgan, and it engaged in preliminary discussions with members of the Metropolitan Police and the family of Daniel Morgan. A schedule of what was described as 'preliminary reading', containing a small selection of reports, was supplied to the Panel by the Metropolitan Police in December 2013.

32. The Panel's later work involved reviewing material and conducting interviews organised in accordance with a phased programme of analysis, informed by examination of the separate investigations and reviews into Daniel Morgan's murder. This strategy was reviewed at regular intervals as the disclosure of material developed.

5.3.1 Reviewing material

33. Material considered by the Panel included paper or electronic formats of: agendas and minutes of meetings; policy logs, messages, action logs; briefing materials; policy statements; paper and electronic correspondence; intelligence reports; investigating officers' reports; financial records; police officers' pocket notebooks; senior police officers' journals; witness statements; interview and court transcripts; and photographic and other audio, visual or physical evidence.

34. There was little order to the material provided. Documents were made available in numbered crates. Each document in each crate was examined, its date was recorded, and it was allocated a description, scanned into Lextranet, and allocated a reference number. As the Panel's staff (with one limited exception) had no access to the computerised HOLMES accounts for the investigations,[2] there were no investigation files as such, and the Panel had to establish which documents existed for each investigation so as to establish the sequence of events. The initial purpose was to develop an overarching understanding of the first investigation, the Morgan One Investigation. Narratives were then developed in a similar way for subsequent investigations.

2 HOLMES, the 'Home Office Large Major Enquiry System', is a national computerised database designed to support the police investigation of major crimes. (Further details of its functions and attributes, as well as an account of the challenges the Panel faced in getting access to it, are set out in Chapter 11.)

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35. The Panel was then able to examine the conduct of each investigation having regard to the standards of the day. The policy logs of the Senior Investigating Officers were examined (where they were available), as were the messages, actions and documents relevant to each investigation. This enabled identification of significant lines of enquiry which had not been fully investigated, and of questions and gaps in the material which needed to be addressed through targeted review of the source material and led to requests for further information. There were 415 such additional disclosure and information requests made by the Panel up to 2020.

36. From January 2015, one member of the Panel's staff, appropriately vetted, was able to access the relevant Metropolitan Police HOLMES accounts in Metropolitan Police premises.

5.3.2 Interviews

37. The Panel had no power to compel the production and provision of evidence, and therefore conducted interviews with people willing and able to provide information on an entirely voluntary basis. The Panel invited for interview individuals it felt might or should be able to provide information and was approached by several people who wished to give evidence. On each occasion the Panel considered the circumstances carefully before making a decision as to whether to interview the person in question.

38. The Panel conducted 74 interviews with witnesses between October 2014 and December 2020: 52 serving or former police officers, five journalists, four Members of Parliament, three members of the public, two legal representatives, and one person from the Crown Prosecution Service. A small number of individuals were interviewed on more than one occasion.

39. The Panel conducted interviews independently, impartially, rigorously, fairly, objectively and honestly. Where necessary and appropriate, interviewees were provided with copies of original statements and correspondence from investigations to aid their recall of events, given the time since the original investigations. Individuals could choose to be accompanied by a lawyer or another person, although the Panel had no power to fund legal representation.

5.3.3 Legal reviews

40. The Panel's Report has been reviewed by the Panel's Counsel and solicitor to ensure that its content and findings were evidence-based and in compliance with any relevant legal requirements.

5.4 Consultant Forensic Scientist

41. The Panel commissioned the services of an independent Consultant Forensic Scientist, Dr Kathryn Mashiter, in November 2018 to provide quality assurance of the Panel's findings in relation to forensic science matters. She reviewed both the scientific and forensic examination of exhibits and the handling of the crime scene, and statements and other documentation concerning forensic science techniques and procedures employed by Senior Investigating Officers, Forensic Scientists, Scenes of Crime Officers and others during the investigations which have taken place. In particular, the Panel sought comment on the accuracy of any statement that a specific type of forensic examination or recovery of a scientific sample was or was not possible at the time of the statement being made.

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6 Publication

6.1 Consent to publish

42. In preparing its Report, the Panel cited information contained in documents provided by the various organisations. In accordance with the Disclosure Agreements and the Protocol for Disclosure of Information, the Panel sought consent for the publication of material which it has quoted and/or paraphrased in the Report.

43. Material providers were supplied with a list of the quotations and paraphrases in question and given the opportunity to make representations concerning any redactions which might be necessary prior to publication. Reasons for such redaction might include the protection of life, the sensitivity of policing methodology and compliance with data protection legislation.

44. The Panel gave careful consideration to any representation made by any material provider. Where the Panel considered consent to publish was withheld unreasonably, it sought to agree a suitable change in wording to enable consent to be given. Ultimately, however, the final decision on publication rested with the Panel. Any such decisions were communicated in a timely fashion to the material provider.

6.2 Anonymity

45. The Panel agreed an Anonymity Policy to apply to its Report, which enabled it to make reasoned decisions about whether individuals should be identified in the Report. The policy in full can be found on its website.

46. The Panel sought to balance the public interest in shining a light on the circumstances of Daniel Morgan's murder, its background and the handling of the case as required by the Terms of Reference, with the need to protect individuals from any risks to their safety and security and the right to privacy afforded to individuals by the Human Rights Act 1998.

47. In order to fulfil its various obligations, the Panel has ensured that no personal data have been published by it unless it is in the public interest to do so.

48. The Panel has named individuals in the Report only where there is a significant public interest in so doing. In determining whether there is significant public interest in naming an individual, consideration has been given to several factors, such as whether the individual is so significant to the narrative of the case that not naming them would prevent the Panel from fulfilling its Terms of Reference, is a public figure, or has already been named in public in association with the investigation of the murder of Daniel Morgan.

49. The Panel's decisions on whom to cipher were informed, among other criteria, by risk assessments prepared by the Metropolitan Police.

6.3 Prejudicing a future trial

50. The Panel was aware of the possibility that its Report could prejudice a future trial of individuals charged with the murder of Daniel Morgan. It therefore sought the advice of its Counsel, who was asked to review the Panel's Report and provide advice on:

- the implications of the 2018 Court of Appeal judgment in the case of Rees & Ors v Commissioner of Police for the Metropolis;
- the likelihood of a possible future trial involving all or some of the same suspects; and

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- the level of potential risk of prejudicing a future trial if the Panel were to publish police and Crown Prosecution Service material relating to the previous investigations.

51. Following the completion of the review by Counsel, the Panel undertook a balancing test on the advice received to determine whether the Report needed to be amended in any way to mitigate any risk.

6.4 Fairness process

52. The Panel conducted a 'fairness process' to ensure that identifiable individuals and organisations who may be subject to criticism in its Report were informed of this and were provided with an opportunity to respond to a summary of the possible criticisms in advance of publication. As part of this process, letters were sent to 86 individuals and organisations. The full procedure followed can be found on the Panel's website.

53. The Panel carefully considered the 57 responses it received from those who had received fairness letters, prior to finalising the text of its Report. The Panel viewed such a process as essential to the integrity of its Report.

54. Prior to publication, as a matter of courtesy, the Panel also sought to notify everyone else named but not subject to criticism in the Report.

6.5 Security check

55. In order to comply with the Disclosure Agreement, a 'security check' was undertaken by Metropolitan Police personnel in order to identify any concerns relating to:

- the protection of current covert police methodologies and intelligence principles; and
- the Metropolitan Police's obligations under the European Convention on Human Rights, including security risks to covert human intelligence sources (informants).

56. The Panel vetted the staff and officers proposed by the Metropolitan Police to undertake the security check on the basis of the information provided by the Metropolitan Police. None of the personnel had been involved in any of the previous investigations into the murder of Daniel Morgan.

57. Due to the circumstances of the COVID-19 pandemic, the security check of the Report was conducted remotely under strictly controlled conditions rather than at the Panel's offices as originally intended. The officers inspected an edited version of the Report using a restricted version of Relativity, the Panel's electronic records system. The Metropolitan Police personnel were not permitted to review or have sight of any Panel findings, recommendations or policy discussions as part of the security check. The security check took place as one of the final stages before the Report was finalised and submitted for printing.

58. The officers signed confidentiality agreements and were barred from sharing or discussing any content of the Report with any other individuals within the Metropolitan Police or any other organisation, without the Panel's express written consent.

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6.6 Archiving post-publication

59. The Panel had no mandate to publish an archive of material with its Report, as other Inquiries and Panels have been required to do as part of their Terms of Reference.

60. Arrangements were made for material generated by the Panel to be handed over to The National Archives for archiving, together with a record of the document reference numbers and titles of the documents which had been stored on Relativity, but not copies of the documents themselves.

61. Further arrangements were made for all material provided to the Panel to be returned to the document owners, a copy of the Relativity account to be provided to the Metropolitan Police, the Panel's electronic store on Relativity to be destroyed by the supplier of Relativity, and all material providers to be supplied with a copy of the certificate of destruction.

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Annex B
Timeline of key events and investigations since the murder of Daniel Morgan

10 March 1987
Daniel Morgan was murdered. His body was found in the car park of the Golden Lion public house, Sydenham in South East London.

16 March 1987
DS Sidney Fillery and other officers of the Catford Crime Squad were returned to normal duties.

03 April 1987
Jonathan Rees, his brothers-in-law Glenn Vian and Garry Vian, DS Sidney Fillery, DC Alan Purvis and DC Peter Foley were arrested on suspicion of Daniel Morgan's murder, questioned and released.

A murder investigation began led by D/Supt Douglas Campbell as the Senior Investigating Officer.

22 January 1988
A report from D/Supt Douglas Campbell was sent to the Crown Prosecution Service for their decision on possible prosecutions of those arrested on 03 April 1987. The decision was made to await possible further evidence from the Inquest. No charges were ever brought by the Morgan One Investigation.

30 May 1988
Assistant Commissioner John Smith of the Metropolitan Police directed that the circumstances of Daniel Morgan's murder should be referred to the Police Complaints Authority. A decision was subsequently made for a police force other than the Metropolitan Police to carry out an investigation.

11 May 1989
Proceedings against Jonathan Rees, Paul Goodridge and Jean Wisden were discontinued by the Director of Public Prosecutions.

14 April 1999
DCI Barry Nicholson became the Senior Investigating Officer of Operation Two Bridges, an evidence gathering operation targeting suspected criminal activity at Southern Investigations (which became Law & Commercial from May 1999).

May 1997
The Metropolitan Police began anti-corruption operations against Jonathan Rees and former DS Sidney Fillery at their business premises, Southern Investigations.

26 June 2000
DI Steve Hagger was appointed to conduct the 2000 Murder Review.

14 November 2000
DI Steve Hagger presented his report, containing 83 recommendations, to senior officers and it was agreed a re-investigation of Daniel Morgan's murder would commence.

17 May 2002

26 June 2002
DCS David Cook appeared on BBC *Crimewatch* broadcast.

October 2002
A number of individuals were arrested in connection with the murder of Daniel Morgan, including Person P9, James Cook, Glenn Vian and Garry Vian.

17 January 2003

24 October 2003
Former DS Sidney Fillery was sentenced for offences unconnected with the murder of Daniel Morgan at Bow Street magistrates court. He received a non-custodial sentence.

08 December 2004
Home Office Minister, Hazel Blears MP, refused a public inquiry into the police handling of Daniel Morgan's murder.

March 2006
The Abelard Two Investigation began with DCS David Cook, then on full-time secondment to SOCA, as the Senior Investigating Officer.

27 October 2005
The Metropolitan Police Authority commissioned a report (henceforth to be referred to as the 2006 Report) into the murder of Daniel Morgan and the subsequent police investigations.

10 April 2006
The 2006 Report was provided to the family of Daniel Morgan.

13 December 2007
It was agreed, between AC John Yates of the Metropolitan Police and David Bolt of the Serious Organised Crime Agency, that former DCS David Cook could act as Consultant Senior Investigating Officer of the Daniel Morgan investigation.

15 April 2008

July 2008
Pre-trial hearings began.

15 February 2010
Mr Justice Maddison excluded Gary Eaton's evidence as a result of breaches of the 'sterile corridor' adjourning his ruling to another date. As a result, former DS Sidney Fillery was formally acquitted of perverting the course of justice.

1987 | 1988 | 1989 | 1990-97 | 1998-99 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008-09 | 2010

11 March 1987
Jonathan Rees was identified as Daniel Morgan's business partner and was visited at his home address by police officers, including the Deputy Senior Investigating Officer, DI Allan Jones.

Mrs Iris Morgan was informed of her husband's death.

DS Sidney Fillery and PC Stephen Thorogood attended Southern Investigations and removed items from the office.

A witness statement was taken from Jonathan Rees by DS Sidney Fillery.

20 March 1987
The Morgan One Investigation began enquiries into links between the murder and the civil action between Southern Investigations and Belmont Car Auctions.

23 April 1987
An appeal for information was made in a BBC *Crimewatch* broadcast. The family of Daniel Morgan were not consulted by either the Metropolitan Police or the BBC during the making of the programme. The way in which Daniel Morgan was portrayed during the *Crimewatch* programme caused considerable distress to his wife and family, because it is regarded as inaccurate and unfair to Daniel Morgan. The police investigation received information that led to several enquiries being made but nothing of value emerged.

23 February 1988
Michael Mates MP wrote to the Commissioner suggesting that Alastair Morgan's concern set out in a letter '*constitutes a complaint for investigation*'.

25 April 1988
The jury delivered its verdict that Daniel Morgan had been unlawfully killed.

11 April to 25 April 1988
The Inquest into Daniel Morgan's death began and evidence was heard over eight days, presided over by the Coroner, Sir Montague Levine.

24 June 1988
DCS Alan Wheeler, the head of Hampshire Constabulary's Criminal Investigation Department (CID) was appointed as Senior Investigating Officer for the Hampshire/PCA Investigation with Terms of Reference to investigate '*allegations that police were involved in the murder of Daniel Morgan and any matters arising therefrom*'.

31 January 1989
Jonathan Rees, Paul Goodridge and Jean Wisden were arrested by the Hampshire/Police Complaints Authority investigation. On 02 February, Jonathan Rees and Paul Goodridge were charged with the murder of Daniel Morgan and Jean Wisden was charged with attempting to pervert the course of justice.

08 September 1989
The Police Complaints Authority received DCS Alan Wheeler's final report.

24 September 1999
Eleven suspects, including Jonathan Rees, were arrested in connection with offences centred on a conspiracy to pervert the course of justice. Evidence had been examined of a conspiracy to plant controlled drugs. DC Austin Warnes was later arrested in connection with the same case.

03 February 2000
Following receipt of a report summarising intelligence gained from Operation Nigeria/Two Bridges, DCI Barry Nicholson recommended that '*it may now be appropriate for consideration to be given, to appointing a Murder Review Team*'.

15 December 2000
Jonathan Rees, DC Austin Warnes and Simon James were convicted of perverting the course of justice. Jonathan Rees received a seven-year prison sentence.

04 January 2001
Decision that the re-investigation would comprise a covert side conducted by the Metropolitan Police Complaints Investigation Bureau and an overt side conducted by the Metropolitan Police Serious Crime Group.

02 April 2001
The covert investigation, Operation Abelard, led by DCI David Zinzan commenced.

16 December 2002
Jonathan Rees was produced from prison, arrested and interviewed in connection with the murder of Daniel Morgan.

June-July 2002
DCS David Cook was placed under surveillance by News of the World journalists. Attempts were made to get access to confidential information about DCS Cook and his wife Jacqui Hames.

08 August 2003
The Crown Prosecution Service advised that there was insufficient evidence to prosecute Jonathan Rees, Glenn Vian, Garry Vian, or James Cook for murder or any of the other individuals in respect of whom charging advice was sought for unrelated offences.

June-July 2002
DCS David Cook requested charging advice from the Crown Prosecution Service in respect of bringing conspiracy to murder charges against Jonathan Rees, Glenn Vian, Garry Vian, and James Cook. Also sought advice about bringing conspiracy to pervert the course of justice charges against James Cook, Person D28 and Person D29, and bringing a misconduct in public office charge against former DS Sidney Fillery.

January 2005
The Metropolitan Police provided a briefing note on events from March 1987 to December 2004 to the Chair of the Metropolitan Police Authority, Len Duvall, and the members of the Metropolitan Police Authority.

31 January 2006
The Metropolitan Police submitted the 2006 Report to the Chair of the Metropolitan Police Authority, Len Duvall. This first version of the report was rejected by the Metropolitan Police Authority as inadequate on 03 February 2006.

07 April 2006
An amended version of the 2006 Report was accepted by the Metropolitan Police Authority.

13 June 2007
DCS David Cook submitted a report to the Crown Prosecution Service seeking advice as to whether the suspects, Jonathan Rees, former DS Sidney Fillery, Glenn Vian, Garry Vian and James Cook, should face criminal charges in connection with the murder of Daniel Morgan.

07 December 2007
DCS David Cook retired from the Metropolitan Police and began working full time for the Serious Organised Crime Agency.

21 April 2008
Jonathan Rees, former DS Sidney Fillery, Glenn Vian, Garry Vian and James Cook were arrested and interviewed. On 23 April 2008, Jonathan Rees, Glenn Vian, Garry Vian and James Cook were charged with the murder of Daniel Morgan. Former DS Sidney Fillery was charged with perverting the course of justice.

18 November 2010
Evidence against James Cook was withdrawn because of concerns about witness reliability. The prosecution decided that there was no longer a realistic prospect of conviction. James Cook was acquitted.

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04 March 2011
In the latest of a series of disclosure failures, a further three crates of undisclosed material were discovered by the Metropolitan Police.

07 December 2011
The Serious Organised Crime Agency made a referral to the Independent Police Complaints Commission (now the Independent Office for Police Conduct) regarding former DCS David Cook passing information to the journalist, Michael Sullivan, during his time in charge of the investigation into the murder of Daniel Morgan. The resulting investigation was named Operation Longhorn.

31 March 2011
Formal apology was made by Tim Godwin, the Acting Commissioner of the Metropolitan Police, to Daniel Morgan's family.

May 2012
A joint review by the Crown Prosecution Service and the Metropolitan Police into the Abelard Two Investigation was completed.

10 May 2013
The Home Secretary, Theresa May MP, announced in Parliament the establishment of the Daniel Morgan Independent Panel to shed light into the circumstances of Daniel Morgan's murder and the police investigations.

July 2013
Former DCS David Cook retired from the Serious Organised Crime Agency.

January 2014
Operation Megan began. On 18 December 2013, DCS Martin Fry of the British Transport Police was appointed as the Senior Investigating Officer to provide independent oversight. Work commenced in January 2014 with DCI Fiona McCormack appointed to conduct the investigation under DCS Fry's oversight. Jonathan Rees was interviewed by Operation Megan Investigators about his complaints.

March 2014
The Daniel Morgan Independent Panel was paused, at the request of the family, until the new Chair took up the post in September (the first Chair of the Panel resigned in November 2013).

08 January 2015
Operation Megan investigators referred the allegation that confidential information belonging to Jonathan Rees was unlawfully disclosed to the BBC *Panorama* programme (as contained in Jonathan Rees's complaint), to the Independent Police Complaints Commission.

The Panel received its first documents from the Metropolitan Police following agreement on disclosure.

29 September 2015
The Crown Prosecution Service provided charging advice on Operation Longhorn and it was decided not to prosecute former DCS David Cook.

17 February 2017
Mr Justice Mitting found that the Metropolitan Police was liable for misfeasance in public office in relation to the prosecution of former DS Sidney Fillery, but the claims of Jonathan Rees, Garry Vian and Glenn Vian failed. The claims for malicious prosecution were unsuccessful.

21 March 2017
The Metropolitan Police opened a new investigation into the conduct of former DCS David Cook following comments made about him by Mr Justice Mitting in February 2017. This investigation was known as Operation Megan Two.

05 July 2018
At the Court of Appeal, Jonathan Rees, Garry Vian and Glenn Vian were successful with their appeal against Mr Justice Mitting's judgment of February 2017.

September 2019
The Operation Edison file was referred by the Metropolitan Police to the Crown Prosecution Service for investigatory advice in respect of the activities of former DCS David Cook.

01-02 April 2020
After reviewing the Operation Edison file, the Crown Prosecution Service provided investigatory advice to the Metropolitan Police who subsequently decided not to proceed further with the investigation into former DCS David Cook.

11 March 2011
In view of the ongoing serious disclosure failures by the Metropolitan Police, the Prosecution took the decision to offer no evidence against each Defendant and Jonathan Rees, Glenn Vian and Garry Vian were formally acquitted of the murder of Daniel Morgan by Mr Justice Maddison.

11 March 2011
DCS Hamish Campbell of the Metropolitan Police Homicide and Serious Crime Command read a prepared statement;

'*This current investigation has identified, ever more clearly, how the initial inquiry failed the family and the wider public. It is quite apparent that police corruption was a debilitating factor in that investigation. This was wholly unacceptable.*

Significant changes have occurred since that time, nevertheless there are important issues which we need to examine now in order to understand what led to today's decision.'

10 January 2012
Former DCS David Cook was arrested on suspicion of committing misconduct in public office and offences contrary to section 55 of the Data Protection Act 1998. Following an initial 'no comment' interview, former DCS David Cook was released on bail pending further enquiries to be carried out by the Independent Police Complaints Commission and was suspended by the Serious Organised Crime Agency.

30 January 2012
Jonathan Rees made a complaint to the Independent Police Complaints Commission containing four allegations against the Metropolitan Police in respect of confidential information being disclosed, being defamed in a newspaper article, DCS David Cook coaching a witness, and Alastair Morgan 'questioning' the Independent Police Complaints Commission about the arrest of former DCS Cook.

17 September 2013
The Daniel Morgan Independent Panel formally commenced work, but had no access to the investigation papers.

September 2014
The Independent Police Complaints Commission reported on its investigation, Operation Longhorn, into former DCS David Cook's unauthorised disclosure of documents to Michael Sullivan. A file was referred to the Crown Prosecution Service.

November 2014
Police officers from Operation Megan searched former DCS David Cook's home. A separate investigation was launched into the emails and other material recovered from his home, named Operation Edison.

January 2015
A new investigation called Operation Edison was established to investigate matters relating to the material seized during the search of former DCS David Cook's home in 2014.

14 December 2016
The Independent Police Complaints Commission reported on its investigation into Jonathan Rees's complaint that confidential information belonging to him was unlawfully disclosed to the BBC *Panorama* programme. No file was referred to the Crown Prosecution Service.

January 2017
Jonathan Rees, former DS Sidney Fillery, Garry Vian and Glenn Vian brought a civil claim in the High Court against the Metropolitan Police, seeking damages for malicious prosecution and for misfeasance in public office. The civil claim was considered by Mr Justice Mitting.

06 December 2017
The Operation Megan Two report was completed and referred to the Crown Prosecution Service for charging advice on former DCS David Cook in respect of perjury, perverting the course of justice, and misconduct in public office.

November 2018
After reviewing the Operation Megan Two file, the Crown Prosecution Service decided not to prosecute former DCS David Cook. Jonathan Rees asked for a review of the decision not to prosecute former DCS Cook and the review by the Crown Prosecution Service upheld the original decision.

July 2019
Jonathan Rees, Garry Vian and Glenn Vian were awarded damages in their successful appeal in the Court of Appeal against Mr Justice Mitting's judgment.

June 2020 – March 2021
The Panel received the final documents from the Metropolitan Police following conclusion of Operation Edison.

May 2021
The Panel completed its Report.

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Annex C: Glossary of Terms

Association of Chief Police Officers	**ACPO**	The Association of Chief Police Officers (ACPO) provided national police coordination and leadership in England, Wales and Northern Ireland. The National Police Chiefs' Council replaced ACPO in 2015.
Criminal Investigation Department	**CID**	The Criminal Investigation Department (CID) is the generic name for the branch of a police force to which most plainclothes detectives belong and who are responsible for investigating crimes of a more serious nature.
Criminal Cases Review Commission	**CCRC**	The Criminal Cases Review Commission (CCRC) is the independent body set up to investigate suspected miscarriages of justice from magistrates' courts, the Crown Court in England, Wales and Northern Ireland. It also deals with convictions from the Court Martial and Service Civilian Court after 01 October 2009.
Crown Prosecution Service	**CPS**	The Crown Prosecution Service (CPS) prosecutes criminal cases investigated by the police and other investigative organisations in England and Wales. The CPS is independent, and its decisions are made independently of the police.
Directorate of Professional Standards	**DPS**	The Directorate of Professional Standards (DPS) has strategic responsibility for setting and maintaining the standards of professional conduct for all members of the Metropolitan Police on behalf of the Commissioner. It has responsibility for all organisational learning in relation to standards of behaviour and conduct. DPS also provides the link between the MPS and IOPC, supporting their independent investigative processes. It provides professional standards briefings to the Mayor's Office for Policing and Crime (MOPAC).
Government Security Classification Policy	**GSCP**	This policy describes HM Government's administrative system for the secure, timely and efficient sharing of information. It is not a statutory scheme but operates within the framework of domestic law, including the requirements of the Official Secrets Acts 1911 and 1989, the Freedom of Information Act 2000, and Data Protection legislation. Security classifications indicate the sensitivity of information (in terms of the likely impact resulting from compromise, loss or misuse) and the need to defend against a broad profile of applicable threats. There are three levels of classification: Official, Secret and Top Secret.

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Her Majesty's Inspectorate of Constabulary	**HMIC**	Her Majesty's Inspectorate of Constabulary (HMIC) was the body responsible for independently assessing police forces and policing in England, Wales, Northern Ireland and the Crown Dependencies.
Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services	**HMICFRS**	In 2017, it was replaced by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). It is also responsible for inspecting national law enforcement organisations such as the National Crime Agency, HM Revenue & Customs and the British Transport Police.
Her Majesty's Revenue & Customs	**HMRC**	Her Majesty's Revenue & Customs (HMRC) is the UK's tax, payment and customs authority.
Home Office Large Major Enquiry System	**HOLMES**	HOLMES is a computerised database designed to support the police investigation of major crimes.
Independent Office for Police Conduct	**IOPC (replacing the IPCC)**	The Independent Office for Police Conduct (IOPC) oversees the police complaints systems in England and Wales. It investigates the most serious matters, including deaths following police contact, and sets the standards by which the police should handle complaints. It is independent and makes its decisions entirely independently of the police and government.
Independent Police Complaints Commission (replaced by the IOPC)	**IPCC**	The Independent Police Complaints Commission (IPCC) investigated serious complaints, including deaths in police custody, and allegations of misconduct against the police in England and Wales The IPCC superseded the Police Complaints Authority (PCA) in 2004 and it was itself replaced by the Independent Office for Police Conduct (IOPC) in January 2018.
Major Incident Room	**MIR**	The Major Incident Room (MIR) is the base for trained Detectives, Crime Investigators and Major Incident Room staff responsible for receiving, reviewing and indexing all material gathered during a major investigation using the HOLMES database. It provides the Senior Investigating Officer with an accurate record of all relevant information relating to the investigation.
Major Incident Room Standardised Administrative Procedures	**MIRSAP**	The Major Incident Room Standardised Administrative Procedures (MIRSAP) gives guidance for the management of major investigations.

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Metropolitan Police Authority	**MPA**	The Metropolitan Police Authority (MPA), established in 2000, was responsible for scrutinising and supporting the work of the Metropolitan Police, and was intended to mark a fundamental change in the policing of London and to ensure that the Metropolitan Police was democratically accountable. The MPA ceased to exist in January 2012 when its functions transferred to the Mayor's Office for Policing and Crime (MOPAC).
National Crime Agency	**NCA**	The National Crime Agency (NCA) leads the fight to cut serious and organised crime, protecting the public by targeting and pursuing those criminals who pose the greatest risk to the UK. The National Crime Agency replaced the Serious Organised Crime Agency (SOCA) in October 2013.
National Crime Squad	**NCS**	The National Crime Squad (NCS) was a police organisation staffed by seconded police officers in England and Wales, which dealt mainly with serious organised crime that crossed police force and regional boundaries. The NCS functions became part of the Serious Organised Crime Agency.
National Police Chiefs' Council	**NPCC**	The National Police Chiefs' Council (NPCC) brings police forces in the UK together to help policing coordinate operations, reform, improve and provide value for money. It coordinates the operational response of police across the UK to threats such as terrorism, organised crime and national emergencies. It is funded by police forces in England, Scotland, Wales and Northern Ireland as well as the armed services and some British Overseas Territories.
Police and Criminal Evidence Act 1984 (PACE) and PACE Codes of Practice	**PACE**	The Police and Criminal Evidence Act 1984 (PACE) governs the use of police powers of investigation including, arrest, detention, interrogation, entry and search of premises, personal search and the taking of samples. Issued under the Act are the PACE Codes of Practice, which police officers should consider and refer to when carrying out various procedures associated with their work.
Police Complaints Authority	**PCA**	The Police Complaints Authority (PCA) was responsible for supervising the investigation of some complaints made by the public against the police. It was superseded by the Independent Police Complaints Commission in 2004.
Police National Computer	**PNC**	The Police National Computer (PNC) is a database used to facilitate investigations and share information between police forces across the UK.

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Police ranks		Police ranks in England and Wales. **Metropolitan Police** Commissioner Deputy Commissioner Assistant Commissioner Deputy Assistant Commissioner Commander Chief Superintendent Superintendent Chief Inspector Inspector Sergeant Constable **City of London Police** Commissioner Assistant Commissioner Commander Chief Superintendent Superintendent Chief Inspector Inspector Sergeant Constable **Other Police Forces** Chief Constable Deputy Chief Constable Assistant Chief Constable Chief Superintendent Superintendent Chief Inspector Inspector Sergeant Constable

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Police ranks ***(continued)***		**Police ranks abbreviated in the Report including detective ranks** Assistant Commissioner (AC) Deputy Assistant Commissioner (DAC) Detective Chief Superintendent (DCS) Detective Superintendent (D/Supt.) Detective Chief Inspector (DCI) Chief Inspector (CI) Detective Inspector (DI) Sergeant (PS) Detective Sergeant (DS) Constable (PC) Detective Constable (DC) Where a rank is held on a temporary or acting basis, this is indicated by the prefix T/ or A/ respectively. Female police officers had the prefix of Woman or W added to their rank (e.g. WPC) until 1999.
Regulation of Investigatory Powers Act 2000	**RIPA**	The Regulation of Investigatory Powers Act 2000, or 'RIPA' as it is commonly known, ensures that relevant investigatory powers are used in accordance with human rights. It regulates the interception of communications; the acquisition of communications data (e.g. billing data); intrusive surveillance (on residential premises/in private vehicles); covert surveillance in the course of specific operations; the use of covert human intelligence sources (agents, informants, undercover officers), and access to encrypted data.
Serious Organised Crime Agency	**SOCA**	Serious Organised Crime Agency (SOCA) was a national law enforcement agency which existed from April 2006 until it merged into the National Crime Agency (NCA) in October 2013.

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